

Agricultural Procurement Guidelines I

1 SECTION 4. Section 22 of chapter 7 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by adding the following clause:-
3

4 (17½) A procurement officer may award a contract valued at less than \$25,000 for the procurement
5 of products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits,
6 vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value-
7 added products as part of a Massachusetts farm operation, that are grown or produced using products grown
8 in the commonwealth, as well as fish, seafood and other aquatic products, without seeking quotations, but
9 the officer shall follow generally accepted business practices.

Agricultural Procurement Guidelines II

1 SECTION 5. Said chapter 7, as so appearing, is hereby further amended by adding the following
2 section:-
3

4 Section 22J½. (a) Notwithstanding any general or special law to the contrary, and to the extent
5 permitted by federal law, a governmental body may, by a majority vote, establish a preference for products
6 of agriculture as defined in section 1A of chapter 128, including, but not limited to, fruits, vegetables, eggs,
7 dairy products, meats, crops, horticultural products or products processed into value added products as part
8 of a Massachusetts farm operation as well as fish, seafood and other aquatic products.
9

10 (b) Whenever a governmental body, by a majority vote, establishes a preference for the
11 procurement of products of agriculture grown or produced using products grown in the commonwealth, the
12 procurement officer responsible for procuring agricultural products on behalf of the governmental body
13 shall effectuate the preference in: (1) advertising for bids, contracts or otherwise and making reasonable
14 efforts to facilitate the purchase of products of agriculture grown or produced using products grown in the
15 commonwealth; and (2) purchasing products of agriculture grown or produced using products grown in the
16 commonwealth, unless the price of the goods exceeds, by more than 10 per cent, the price of agricultural
17 products grown or produced outside of the commonwealth.

Lottery Prize Allotment Correction I

1 SECTION 6. Section 35 of chapter 10 of the General Laws, as so appearing, is hereby amended by
2 striking out, in lines 14 to 18, inclusive, the following words:-
3

4 “and
5

6 (c) For the purposes of the Local Aid Fund, the net balance of the State Lottery Fund, as determined
7 by the comptroller on every September thirtieth, December thirty-first, March thirty-first and June thirtieth
8 of each fiscal year.”
9

10 and inserting in place thereof the following 2 clauses:-
11

12 (c) For the purposes of the Local Aid Fund, the net balance of the State Lottery Fund, as determined
13 by the comptroller on every September thirtieth, December thirty-first, March thirty-first and June thirtieth
14 of each fiscal year; and
15

16 (d) For the purposes of accommodating discrepancies between the receipt of revenues and related
17 expenditures, the commission may incur expenses and the comptroller may certify for payment expenses
18 incurred in anticipation of revenues.

Regional Transit Authority Financing and Service Fund I

1 SECTION 7. Chapter 10 of the General Laws is hereby amended by inserting after section 35CC,
2 inserted by section 2 of chapter 130 of the acts of 2005, the following 2 sections: -
3

4 Section 35DD. There shall be established and set up on the books of the commonwealth a separate
5 fund to be known as the Regional Transit Authority Service Fund for the purpose of supplementing existing
6 amounts available to the regional transit authorities, established under chapter 161 and chapter 161B, to
7 restore and expand the service needs in the cities and towns constituting the authorities, subject to the
8 approval of the secretary of transportation. There shall be credited to said fund amounts transferred by the
9 state treasurer as provided in section 63 of chapter 10 and any other amounts transferred or appropriated to
10 said fund and any interest earned thereon.
11

12 Section 35EE. There shall be established and set up on the books of the commonwealth a separate
13 fund to be known as the Regional Transit Authority Mobility Service Enhancement and Training Fund for
14 the purpose of enhancing public transit for the mobility-impaired within the cities and towns constituting
15 the authorities and for training of persons employed by the authorities on the service needs of the mobility
16 impaired. Amounts shall be made available from said fund to develop and implement projects and
17 programs, subject to the approval of the secretary of transportation, which shall include, but not be limited
18 to, the following:
19

20 (a) quality sensitivity training for fixed-route drivers, demand-response drivers and customer
21 service personnel of the authorities;
22

23 (b) driver training relative to the use of specialized equipment to provide mobility access to buses
24 and other passenger vehicles of the authorities;
25

26 (c) customer service training for administrative personnel of the authorities using mobility tools;
27

28 (d) the development of travel training and mobility manager programs;
29

30 (e) the feasibility of providing escorts to assist the mobility-impaired and elders with their
31 transportation needs;
32

33 (f) the development of training resources for the transportation service providers contracting with
34 the authorities;
35

36 (g) the procurement of capital equipment and technologies for mobility enhancement;
37

38 (h) the enhancement of paratransit service parameters; and
39

40 (i) the coordination of paratransit services throughout the cities and towns constituting the
41 authorities.
42

43 There shall be credited to said fund amounts transferred by the state treasurer as provided in section
44 63 of chapter 10 and any other amounts transferred or appropriated to said fund and any interest earned
45 thereon.

Lottery Prize Allotment Correction II

1 SECTION 8. Section 57 of said chapter 10, as so appearing, is hereby amended by adding the
2 following paragraph:-

3 For the purposes of accommodating discrepancies between the receipt of revenues and related
4 expenditures, the state lottery commission may incur expenses pursuant to clauses (1) and (2) and the
5 comptroller may certify for payment said expenses incurred in anticipation of revenues.

Regional Transit Authority Financing and Service Fund II

1 SECTION 9. Section 63 of said chapter 10, as so appearing, is hereby amended by striking out the
2 first paragraph and inserting in place thereof the following paragraph:-
3

4 There shall be established and set up on the books of the commonwealth a separate fund to be
5 known as the Central Artery and Statewide Road and Bridge Infrastructure Fund for the purposes of
6 meeting the estimated additional costs associated with the Central Artery/Ted Williams Tunnel Project. For
7 the period covering July 1, 2007 through June 30, 2012, an amount equal to 50 per cent of excess registry
8 fees not required to meet the estimated additional costs associated with the Central Artery/Ted Williams
9 Tunnel Project shall be for the costs associated with the statewide road and bridge program. The remaining
10 50 per cent of said excess registry fees shall be transferred in an amount not to exceed \$90 million, in the
11 aggregate, to the Regional Transit Authority Service Fund and in an amount not to exceed \$15 million, in
12 the aggregate, to the Regional Transit Authority Mobility Service Enhancement and Training Fund.

Regional Transit Authority Financing and Service Fund III

1 SECTION 10. Said section 63 of said chapter 10, as so appearing, is hereby further amended by
2 striking out the fifth paragraph and inserting in place thereof the following paragraph:-
3

4 The state treasurer shall, with the approval of the executive office for administration and finance,
5 transfer excess registry fees to the Regional Transit Authority Service Fund and to the Regional Transit
6 Authority Mobility Service Enhancement and Training Fund on or before June 30 of each fiscal year for the
7 period July 1, 2007 to June 30, 2012. The state treasurer shall not transfer excess registry fees to the
8 Regional Transit Authority Service Fund if the balance of that fund exceeds \$90 million and the state
9 treasurer shall not transfer excess registry fees to the Regional Transit Authority Mobility Service
10 Enhancement and Training Fund if the balance of that fund exceeds \$15 million. The state treasurer shall
11 report excess registry fees identified and the actual balance transferred to the house and senate committees
12 on ways and means, the joint committee on transportation, the executive office for administration and
13 finance and the executive office of transportation by August 15 of each year.

Regional Transit Authority Financing and Service Fund IV

1 SECTION 11. Said section 63 of said chapter 10, as so appearing, is hereby further amended by
2 striking out, in line 73, the words "June 30, 2009" and inserting in place thereof the following words:- June
3 30, 2012.

Tuition Retention for State and Community Colleges

1 SECTION 12. Section 22 of chapter 15A of the General Laws, as so appearing, is hereby
2 amended by inserting after the first paragraph the following 2 paragraphs:-

3 All tuition and fees received by a state or community college shall be retained by the board of
4 trustees of the institution in a revolving trust fund and shall be expended as the board of trustees may direct
5 for the operation and support of the institution. Any balance in the trust fund at the end of a fiscal year shall
6 continue to be held in the trust fund, shall remain available for expenditure in subsequent fiscal years and
7 shall not revert to the General Fund. All such trust funds shall be subject to audit by the state auditor.

8
9 For employees of a state or community college who are paid from tuition retained under this
10 section, fringe benefits and any collective bargaining increases shall be funded as if those employees'
11 salaries were supported by state appropriations.
12

13 **Eliminating Maximum Hiring Age for District Engineering Inspectors**

14
15
1 SECTION 13. Section 6 of chapter 22 of the General Laws, as so appearing, is hereby amended by
2 striking out, in lines 6 and 7, the words "shall not be over forty-five years of age when first appointed, and"

Repeal of Children's and Seniors' Health Care Assistance Fund

1 SECTION 14. Section 2FF of chapter 29 of the General Laws, as so appearing, is hereby repealed.
2 As of the effective date of this section, the comptroller shall transfer any remaining balance in the
3 Children's and Seniors' Health Care Assistance Fund to the General Fund.

Investment of Commonwealth Funds I

1 SECTION 15. Said chapter 29 is hereby amended by striking out section 34, as so appearing, and
2 inserting in place thereof the following section:-
3

4 Section 34. (a) State officers, departments, institutions and other agencies may deposit a portion of
5 the public monies in their possession in national banks, federal savings banks, and federal savings and loan
6 associations, lawfully doing business within the commonwealth, and in trust companies, savings banks and
7 cooperative banks chartered under the laws of the commonwealth, as shall be designated by the state
8 treasurer from a list of depositories prepared by him and approved at least once in 3 months by the
9 governor and council. The state treasurer shall not include on the list a state-chartered bank having a
10 descriptive rating of (d) or (e) under section 14 of chapter 167 or any federally insured depository
11 institution having an assigned rating of (C) or (D) under section 807(b)(2) of the Community Reinvestment
12 Act of 1977, 12 U.S.C. 2901 et seq.; but the aggregate balance on deposit in any one such depository
13 institution by the state treasurer, by a state officer of funds advanced under section 23, by a state officer,
14 department, institution or other agency of fees or other money as referred to in section 27 of chapter 30
15 shall not exceed, as of the close of the business each business day, 55 per cent of the depository
16 institution's paid up capital, surplus, capital notes, and undivided profits in accordance with the records of
17 the depository institution. The state treasurer may provide that the depository institution may receive
18 additional deposits not to exceed 85 per cent of its paid up capital, surplus, capital notes, and undivided
19 profits; if the additional deposits are subject to collateral approved by the state treasurer. Deposits of the
20 proceeds from the sale of bonds and notes by the state treasurer shall not be subject to the 55 per cent limit
21 for a period of 7 days from the date of the deposit or other credit to the account of the state treasurer. All
22 certificates of deposit of the depository institution whether issued directly to the state treasurer or purchased
23 on the open market shall be considered deposits within the meaning of this section. For the purpose of
24 paying the principal or interest due on any bond, note or other obligation of the commonwealth, which is
25 payable in the city of New York or the city of Chicago, the state treasurer may keep on deposit in those
26 cities in a national bank, federal savings bank, federal savings and loan association, trust company, savings
27 bank, savings and loan association, building and loan association, cooperative bank, industrial bank or
28 other depository institution chartered and regulated under the laws of the federal government or such states
29 the deposits of which are insured by the Federal Deposit Insurance Corporation, approved for the purpose
30 by the governor and council, a sum not exceeding in the aggregate \$25,000; provided, that for a period of 7
31 days before the date of the payment, the amount may be increased by a sum sufficient to cover the same.
32

33 (b) A state treasurer who knowingly makes a deposit in violation of subsection (a) shall be guilty of
34 misconduct and mal-administration in his office within the meaning of the constitution, any other officer
35 who knowingly makes a deposit in violation of subsection (a) shall be guilty of misconduct and mal-

36 administration in his office, and a depository institution knowingly receiving a deposit in violation thereof
37 shall be disqualified from receiving said monies for the period of 3 years from the date of the deposit. All
38 interest received on any deposits under this section shall be paid to the commonwealth.

Investment of Commonwealth Funds II

1 SECTION 16. Section 34A of said chapter 29, as so appearing, is hereby repealed.

Investment of Commonwealth Funds III

1 SECTION 17. Section 38 of said chapter 29, as so appearing, is hereby amended by adding the
2 following subsections:-
3

4 (l) In shares of beneficial interest issued by money market funds registered with the Securities and
5 Exchange Commission under the Investment Company Act of 1940, as amended, operated in accordance
6 with section 270.2a-7 of Title 17 of the Code of Federal Regulations, that have received the highest
7 possible rating from at least 1 nationally recognized statistical rating organization; but, the purchase price
8 of shares of beneficial interest purchased pursuant to this section shall not include a commission charged by
9 the money market funds.

10
11 (m) In any other security that qualifies for inclusion in a fund operated in accordance with section
12 270.2a-7 of Title 17 of the Code of Federal Regulations as amended.
13

14 (n) In investment agreements or guaranteed investment contracts rated, or with a financial
15 institution whose senior long-term debt obligations are rated, or guaranteed by a financial institution whose
16 senior long-term debt obligations are rated, at the time the agreement or contract is entered into, in 1 of the
17 2 highest rating classifications by a nationally recognized rating service provided the agreements or
18 contracts do not exceed 1 year in duration.
19

20 (o) In investment agreements with a corporation whose principal business is to enter into the
21 agreements if: the corporation and the investment agreements of the corporation are each rated in 1 of the 2
22 highest rating classifications by a nationally recognized rating service; the commonwealth has an option to
23 terminate each agreement in the event that the rating is downgraded below the 2 highest rating
24 classifications; and the agreements or contracts do not exceed 1 year in duration.

Agricultural Procurement Guidelines I

1 SECTION 18. Section 4 of chapter 30B of the General Laws, as so appearing, is hereby amended
2 by adding the following subsection:-
3

4 (d) A procurement officer may award a contract valued at less than \$25,000 for the procurement of
5 products of agriculture as defined in section 1A of chapter 128, including but not limited to, fruits,
6 vegetables, eggs, dairy products, meats, crops, horticultural products or products processed into value-
7 added products as part of a Massachusetts farm operation, that are grown or produced using products grown
8 in the commonwealth, as well as fish, seafood, and other aquatic products, without seeking quotations as
9 required under subsection (a), but, the officer shall follow generally accepted business practices.

Agricultural Procurement Guidelines II

1 SECTION 19. Said chapter 30B is hereby further amended by adding the following section:-
2

3 Section 20. (a) Notwithstanding any general or special law to the contrary, and to the extent
4 permitted by federal law, a governmental body may, by a majority vote, establish a preference for products
5 of agriculture as defined in section 1A of chapter 128, including but not limited to fruits, vegetables, eggs,
6 dairy products, meats, crops, horticultural products or products processed into value added products as part
7 of a Massachusetts farm operation as well as fish, seafood, and other aquatic products.

8
9 (b) Wherever a governmental body by a majority vote establishes a preference for the procurement
10 of products of agriculture grown or produced using products grown in the commonwealth, the procurement
11 officer responsible for procuring agricultural products on behalf of the governmental body shall effectuate
12 the preference in (1) advertising for bids, contracts, or otherwise, and making reasonable efforts to facilitate
13 the purchase of products of agriculture grown or produced using products grown in the commonwealth;
14 and (2) purchasing products of agriculture grown or produced using products grown in the commonwealth,
15 unless the price of the goods exceeds, by more than 10 per cent, the price of agricultural products grown or
16 produced outside of the commonwealth.

Commuter Tax Deduction

1 SECTION 20. Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws, as amended
2 by section 5 of chapter 163 of the acts of 2005, is hereby further amended by adding the following
3 subparagraph:-
4

5 (15) Amounts expended by an individual for tolls paid for through a Fast Lane account or for
6 weekly or monthly transit commuter passes for Massachusetts Bay Transit Authority transit or commuter
7 rail, not including amounts reimbursed by an employer or otherwise. In the case of a single person or a
8 married person filing a separate return or a head of household, this deduction shall apply only to the portion
9 of the expended amount that exceeds \$150, and the total amount deducted shall not exceed \$750. In the
10 case of a married couple filing a joint return, this deduction shall apply only to the portion of the amount
11 expended by each individual that exceeds \$150, and the total amount deducted shall not exceed \$750 for
12 each individual. The commissioner of revenue shall adopt regulations necessary for the implementation of
13 this section.

Work Opportunity Tax Credit

1 SECTION 21. Chapter 63 of the General Laws, as most recently amended by section 28 of chapter
2 163 of the acts of 2005, is hereby further amended by inserting after section 38T the following section:-
3

4 Section 38U. (a) For purposes of this section, the following words shall have the following
5 meanings:—
6

7 “Qualified employee”, an employee who is receiving transitional aid to families with dependent
8 children under chapter 118 on the date of hire.
9

10 (b) A corporation subject to taxation under this chapter that hires qualified employees may take a
11 credit, known as the Massachusetts Work Opportunity Tax Credit, each year for up to 5 years, against the
12 excise imposed under this chapter:
13

14 (1) equal to 40 per cent of the first \$6,000 of wages of a qualified employee who worked at least
15 400 hours for the corporation in the previous 12-month period; or
16

17 (2) equal to 25 per cent of the first \$6,000 of wages of a qualified employee who worked between
18 120 and 400 hours in the previous 12-month period.
19

20 (c) A corporation may apply for an additional credit of \$500 for each qualified employee retained
21 for an additional year in the second through the fifth years of the eligibility for this credit.

(d) In the case of a corporation that is subject to a minimum excise under this chapter, the amount of the credit allowed shall not reduce the corporation's tax obligation to an amount less than the minimum excise.

(e) A corporation may take a credit allowed under this section only after it files with the commissioner of revenue certification of its qualified employees. Acceptable certification shall include the Internal Revenue Service Form 8850.

School Finance I

SECTION 22. Chapter 70 of the General Laws is hereby amended by striking out section 2, as appearing in the 2004 Official Edition, and inserting in place thereof the following 2 sections:-

Section 2A. As used in this chapter and in chapters 15, 69 and 71, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Administration allotment", the amounts allotted within a district's foundation budget for administration in any fiscal year. The administration allotment shall be the sum of:

(a) \$148.70 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$297.42 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, the foundation English learner full-day enrollment and the foundation vocational enrollment; plus

(c) \$2,052.73 multiplied by the assumed in-school special education enrollment and the assumed tuitioned-out special education enrollment; plus

(d) \$148.71 multiplied by the foundation English learner pre-school enrollment and by the foundation English learner half-day kindergarten enrollment.

"Assumed in-school special education enrollment", 4 per cent of total foundation enrollment in a district not counting vocational or preschool enrollment, plus 5 per cent of vocational enrollment.

"Assumed tuitioned-out special education enrollment", 1 per cent of the total foundation enrollment in a district, not counting vocational or pre-school enrollment.

"Board", the board of education.

"Classroom and specialist teachers allotment", the amount allotted within a district's foundation budget for classroom and specialist teachers in any fiscal year. The classroom and specialist teachers allotment shall be the sum of:

(a) \$1,231.56 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$2,463.12 multiplied by the foundation full-day kindergarten enrollment; plus

(c) \$2,463.10 multiplied by the foundation elementary enrollment; plus

(d) \$2,167.53 multiplied by the foundation junior high/middle school enrollment; plus

(e) \$3,187.54 multiplied by the foundation high school enrollment; plus

(f) \$6,773.54 multiplied by the assumed in-school special education enrollment; plus

(g) \$1,868.78 multiplied by the foundation English learner pre-school enrollment and the foundation English learner half-day kindergarten enrollment; plus

(h) \$3,737.54 multiplied by the foundation English learner, full-day enrollment; plus

(i) \$5,418.83 multiplied by the foundation vocational enrollment; plus

(j) \$2,217.54 multiplied by the foundation low-income elementary enrollment; plus

(k) \$1,675.65 multiplied by the foundation low-income secondary enrollment.

“Commissioner”, the commissioner of the department of education.

“Department”, the department of education established in section 1A of chapter 69.

“District” or “School district”, the school department of a city or town, and a regional school district.

“Employee benefits and fixed charges allotment”, the amount allotted within a district’s foundation budget for employee benefits and fixed charges. The employee benefits and fixed charges allotment shall be the sum of:

(a) \$308.26 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$616.52 multiplied by the foundation full-day kindergarten enrollment; plus

(c) \$616.53 multiplied by the foundation elementary enrollment; plus

(d) \$586.20 multiplied by foundation junior high/middle school enrollment; plus

(e) \$563.20 multiplied by the foundation high school enrollment; plus

(f) \$2,597.70 multiplied by the assumed in-school special education enrollment; plus

(g) \$387.80 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(h) \$775.58 multiplied by the foundation English learner, full-day enrollment; plus

(i) \$914.68 multiplied by the foundation vocational enrollment; plus

(j) \$224.95 multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

“Enrollment categories”, each student, including students enrolled in special education programs, and students attending a school in another district, under section 12B of chapter 76, who resides in the district and who attends either a public school in that district or a school for which the district of residence pays tuition, shall be placed in one and only one of the following enrollment categories depending on the grade and program to which the student is assigned:

(a) “English learner enrollment”, the number of students enrolled in English language learner programs established under chapter 71A but, in the case of an innovative program, only the English learner

students, as defined in section 2 of chapter 71A, enrolled in such a program shall be considered in calculating English learner enrollment in a district.

(b) "Elementary enrollment", the number of students enrolled in grades 1 through 5 and not enrolled in English learner, or vocational programs in a district.

(c) "High school enrollment", the number of students enrolled in grades 9 through 12 and not enrolled in English learner, or vocational programs in a district.

(d) "Junior high/middle school enrollment", the number of students enrolled in grades 6 through 8 and not enrolled in English learner, or vocational programs in a district.

(e) "Kindergarten enrollment", the number of students enrolled in kindergarten and not enrolled in English learner, or vocational programs in a district. In any district in which kindergarten students attend school for a full day, the foundation kindergarten enrollment used to calculate the foundation budget amount described in this section shall be twice the kindergarten enrollment number that would otherwise be used for said calculations if said district and all towns responsible for appropriating for said district so request.

(f) "Pre-school enrollment", the number of students enrolled in pre-school programs run in connection with the special education program in a district. The foundation pre-school enrollment may not exceed twice the number of pre-school students enrolled under approved individual education plans.

(g) "Vocational enrollment", the number of students enrolled in vocational education programs or an agricultural school in a district.

"Foundation budget", the sum of the administration allotment; instructional leadership allotment; classroom and specialist teachers allotment; other teaching services allotment; professional development allotment; instructional materials, equipment and technology allotment; guidance and psychological allotment; pupil services allotment; operations and maintenance allotment; employee benefits and fixed charges allotment; and special education tuition allotment. The base year for calculating the foundation budget shall be fiscal year 2007. The base year foundation budget shall be calculated according to the formulas in this section using foundation enrollment as described in this section. For fiscal years thereafter, the foundation budget shall be the base year foundation budget, as adjusted for enrollment and for inflation as set forth in section 3 of this chapter.

"Foundation enrollment", the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high/middle school, high school, English learner, and vocational enrollment plus one-half the sum of foundation pre-school and kindergarten enrollment, including students enrolled in the program for the elimination of racial imbalance under section 12A of chapter 76. By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

"Foundation inflation index", in fiscal year 2007, the foundation inflation index shall equal 1.000. In fiscal year 2008 and in each fiscal year thereafter, the foundation inflation index shall equal the prior year's foundation inflation index multiplied by the minimum of (a) the ratio of the value of the implicit price deflator for state and local government purchases in the first quarter of the prior fiscal year to its value in the first quarter of the year 2 years prior, or (b) 1.05.

"Guidance and psychological allotment", the amount allotted within a district's foundation budget for guidance and psychological services. The guidance and psychological allotment shall be the sum of:

(a) \$89.61 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$179.21 multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus

(c) \$238.58 multiplied by foundation junior high/middle school enrollment and the foundation English learner, full-day enrollment; plus

(d) \$299.06 multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus

(e) \$119.29 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment.

“Instructional leadership allotment”, the amounts allotted within a district’s foundation budget for instructional leadership in any fiscal year. The instructional leadership allotment shall be the sum of:

(a) \$268.59 multiplied by the foundation pre-school enrollment, the foundation half-day kindergarten enrollment, the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(b) \$537.17 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment, the foundation high school enrollment, the foundation English learner, full-day enrollment and the foundation vocational enrollment.

“Instructional materials, equipment and technology allotment”, the amount allotted within a district’s foundation budget for instructional materials, equipment and technology. The instructional materials, equipment and technology allotment shall be the sum of:

(a) \$178.25 multiplied by the foundation pre-school enrollment, the foundation half-day kindergarten enrollment, the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(b) \$356.50 multiplied by the foundation full-day kindergarten enrollment, the foundation elementary enrollment, the foundation junior high/middle school enrollment and the foundation English learner, full-day enrollment; plus

(c) \$570.41 multiplied by the foundation high school enrollment; plus

(d) \$285.20 multiplied by the assumed in-school special education enrollment; plus

(e) \$998.20 multiplied by the foundation vocational enrollment.

“Low-income enrollment”, the number of children attending school in a district regardless of residence or tuition-paying status, who are eligible for free or reduced-cost lunches under eligibility guidelines promulgated by the federal government under 42 U.S.C. 1758. A low-income child or student is a child who meets these eligibility standards. In determining the total number of low-income students, the department shall use the preceding year’s actual number of low-income elementary, junior high/middle school, high school, English learners, and vocational students, and one-half the preceding year’s actual number of low-income kindergarten and pre-school students.

“Municipal foundation budget”, a city or town’s local district’s foundation budget plus the sum of its share of the foundation budgets at regional districts or agricultural schools of which it is a member. A city or town’s share of the foundation budget at regional districts or agricultural schools shall be based upon its share of the total foundation enrollment from all member municipalities at those districts and schools.

“Operations and maintenance allotment”, the amount allotted within a district’s foundation budget for operations and maintenance. The operations and maintenance allotment shall be the sum of:

(a) \$341.99 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$683.97 multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus

(c) \$741.52 multiplied by foundation junior high/middle school enrollment; plus

(d) \$718.97 multiplied by the foundation high school enrollment; plus

(e) \$2,293.01 multiplied by the assumed in-school special education enrollment; plus

(f) \$462.99 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(g) \$925.97 multiplied by the foundation English learner, full-day enrollment; plus

(h) \$1,345.59 multiplied by the foundation vocational enrollment; plus

(i) \$342.24 multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

“Other teaching services allotment”, the amount allotted within a district’s foundation budget for other teaching services. The other teaching services allotment shall be the sum of:

(a) \$315.87 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$631.73 multiplied by the foundation full-day kindergarten enrollment and the foundation elementary enrollment; plus

(c) \$454.76 multiplied by the foundation junior high/middle school enrollment; plus

(d) \$378.59 multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus

(e) \$6,324.35 multiplied by the assumed in-school special education enrollment; plus

(f) \$31.37 multiplied by the assumed tuitioned-out special education enrollment; plus

(g) \$252.57 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus

(h) \$505.14 multiplied by the foundation English learner, full-day enrollment.

“Professional development allotment”, the amount allotted within a district’s foundation budget for professional development. The professional development allotment shall be the sum of:

(a) \$48.72 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus

(b) \$97.46 multiplied by the foundation full-day kindergarten enrollment; plus

(c) \$97.47 multiplied by the foundation elementary enrollment; plus

- (d) \$105.67 multiplied by the foundation junior high/middle school enrollment; plus
- (e) \$102.45 multiplied by the foundation high school enrollment; plus
- (f) \$326.75 multiplied by the assumed in-school special education enrollment; plus
- (g) \$65.97 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment; plus
- (h) \$131.95 multiplied by the foundation English learner, full-day enrollment; plus
- (i) \$169.39 multiplied by the foundation vocational enrollment; plus
- (j) \$48.77 multiplied by the foundation low-income elementary enrollment and the foundation low-income secondary enrollment.

“Pupil services allotment”, the amount allotted within a district’s foundation budget for pupil services. The pupil services allotment shall be the sum of:

- (a) \$35.65 multiplied by the foundation pre-school enrollment and the foundation half-day kindergarten enrollment; plus
- (b) \$71.30 multiplied by the foundation full-day kindergarten enrollment; plus
- (c) \$106.96 multiplied by the foundation elementary enrollment and the foundation English learner, full-day enrollment; plus
- (d) \$174.69 multiplied by foundation junior high/middle school enrollment; plus
- (e) \$402.84 multiplied by the foundation high school enrollment and the foundation vocational enrollment; plus
- (f) \$53.48 multiplied by the foundation English learner, pre-school enrollment and the foundation English learner, half-day kindergarten enrollment.

“Special education tuition allotment”, the amount allotted within a district’s foundation budget for special education tuition. The special education tuition allotment shall be the sum of \$19,489.69 multiplied by the assumed tuitioned-out special education enrollment.

“Wage adjustment factor”, an adjusted difference between the average annual wage for all jobs in the labor market area in which a municipality is located and the average annual wage in the commonwealth. Average annual wage figures shall be published annually by the division of employment and training. The wage adjustment factor shall be the sum of 1 plus a fraction, the numerator of which shall be the product of one-third and the difference resulting from subtracting the average annual wage in the commonwealth from the average annual wage of the community; and the denominator of which shall be the average annual wage in the commonwealth.

For the purposes of this section, the average annual wage of the community shall be the sum of:

- (a) eight-tenths multiplied by the average annual wage for all jobs in the labor market area in which the municipality is located; plus
- (b) two-tenths multiplied by the average annual wage of the municipality. In any community, the wage adjustment factor shall not be less than 1.

Section 2B. As used in this chapter and in chapters 15, 69 and 71, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Chapter 70 aid”, the greater of a district’s down payment aid, foundation aid or growth aid.

“Combined effort yield”, the sum of a municipality’s equalized property valuation multiplied by its uniform property percentage plus its income multiplied by its uniform income percentage.

“Down payment aid,” the sum of: (a) prior year chapter 70 aid and (b) 20 per cent of the positive difference between 100 per cent of a district’s target aid share and its prior year chapter 70 aid.

“Effort reduction percentage”, the percentage of excess effort to be reduced in any given year, applied uniformly to each municipality with excess effort in the calculation of required local contribution in any given year, which shall be 20 per cent in fiscal year 2007.

“Equalized property valuation”, the annual equalized property valuation for a municipality as determined by the department of revenue under the provisions of sections 9, 10 and 10C of chapter 58.

“Excess effort”, the positive difference, if any, between a municipality’s target local contribution and its preliminary contribution.

“Foundation aid”, the positive difference between a district’s foundation budget and its required district contribution.

“General revenue-sharing aid”, the amount of assistance from the commonwealth to be received by a city or town in a fiscal year from the following local aid programs: (1) payments in lieu of taxes for state-owned lands distributed under section 17 of chapter 58, (2) the distribution to cities and towns of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of section 35 of chapter 10, and (3) additional assistance, as distributed under section 18E of chapter 58.

“Growth aid”, the sum of a district’s (a) prior year’s chapter 70 aid and (b) target aid share multiplied by the change in the district’s foundation budget between the prior year and the current year.

“Income”, total income from all sources as reported by residents of a municipality on income tax returns submitted to the Massachusetts department of revenue for the most recent available calendar year.

“Income percentage”, the uniform percentage of each municipality’s total income which yields one-half of the statewide total of combined effort yields in any fiscal year.

“Maximum local contribution”, 80 per cent of a municipality’s foundation budget.

“Municipal revenue growth factor”, the change in local general revenues calculated by subtracting 1 from the quotient calculated by dividing the sum of: (1) the maximum levy for the fiscal year estimated by multiplying the levy limit of the prior fiscal year by a factor equal to 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth adjustments over the last 3 available years as certified by the department of revenue or as otherwise estimated by the division of local services of the department of revenue where it appears that a municipality may not be entitled to increase its minimum levy limit by 2.5 per cent but, if the highest percentage during the 3 years exceeds the average of the other 2 years’ percentages by more than 2 percentage points, then the lowest 3 of the last 4 years shall be used for the calculation; (2) the amount of general revenue-sharing aid for the fiscal year; and (3) other budgeted recurring receipts not including user fees or other charges determined by the division of local services to be associated with the provision of specific municipal services for the prior fiscal year, by the sum of: (1) the actual levy limit for the prior fiscal year; (2) the amount of general revenue-sharing aid received for the prior fiscal year; and (3) other recurring receipts not including user fees or other charges determined by the division of municipal services to be associated with the provision of specific municipal services budgeted for the municipality for the fiscal year preceding the prior fiscal year, if any; provided, however, that, for

the purposes of this calculation, the levy limit shall exclude any amounts generated by overrides applicable to any year after the fiscal year ending June 30, 1993; provided, further, that, in the absence of an actual levy limit for the prior fiscal year, the actual levy limit for the prior fiscal year shall be estimated by multiplying the actual levy limit of the fiscal year preceding the prior fiscal year by a factor equal to 102.5 per cent plus the average of the percentage increases in the levy limit due to new growth as specified above; and, provided, further, that, in making any of the calculations required by this definition, the division of local services may substitute more current information or such other information as would produce a more accurate estimate of the change in a municipality's general local revenues and the department shall use such growth factor to calculate preliminary contribution, required local contribution and any other factor that directly or indirectly uses the municipal revenue growth factor.

"Net school spending", the total amount spent for the support of public education, including teacher salary deferrals and tuition payments for children residing in the district who attend a school in another district or other approved facility, determined without regard to whether the amounts are regularly charged to school or non-school accounts by the municipality for accounting purposes. Net school spending shall not include any spending for long-term debt service, and shall not include spending for school lunches, or student transportation. Net school spending shall also not include tuition revenue or revenue from activity, admission, other charges or any other revenue attributable to public education. The revenue shall be made available to the school district that generated such revenue in addition to any financial resources made available by municipalities or state assistance. The department, in consultation with the department of revenue, shall promulgate regulations to ensure a uniform method of determining which municipal expenditures are appropriated for the support of public education and which revenues are attributable to public education in accordance with this section. The regulations shall include provisions for resolving disputes which may arise between municipal and school officials.

"Preliminary contribution", the product of (a) a municipality's required local contribution for the prior fiscal year, and (b) 1 plus the municipal revenue growth factor for the current year.

"Property percentage", the uniform percentage of each municipality's total equalized property valuation which yields one-half of the statewide total of combined effort yields in any fiscal year.

"Required local contribution", the municipality's preliminary contribution minus the product of its excess effort, if any, multiplied by the effort reduction percentage. The required municipal contribution shall be apportioned to each district to which the municipality belongs, in proportion to the municipality's foundation budget at those districts.

"Required district contribution", a local district's share of the municipality's required local contribution or, in a regional district or agricultural school, the sum of member municipalities' required local contributions apportioned to that regional district or agricultural school.

"Statewide target local share", the sum of all municipalities' target local contributions, as a percentage of the sum of all municipal foundation budgets, which shall be set at 60 per cent.

"Target aid share", for a local district, 100 per cent minus the municipality's target local share. For a regional district or agricultural school, the target aid share shall be 100 per cent minus each member municipality's target local share, multiplied by each municipality's share of the regional district's enrollment, combined for all members of the district.

"Target local contribution", the lesser of a municipality's combined effort yield and its maximum local contribution.

"Target local share", a municipality's target local contribution as a percentage of its municipal foundation budget.

School Finance II

1
2 SECTION 23. Section 3 of said chapter 70, as so appearing, is hereby amended by striking out the
3 last sentence and inserting in place thereof the following sentence:- The factors to be inflated shall be the
4 monetary values for the administration allotment, the instructional leadership allotment, the classroom and
5 specialist teachers allotment, the other teaching services allotment, the professional development allotment,
6 the guidance and psychological allotment, the pupil services allotment and the operations and maintenance
7 allotment.

School Finance III

1
2 SECTION 24. Sections 5, 7, 9, 10, 12, 13 and 14 of said chapter 70 are hereby repealed.

School Finance IV

1
2 SECTION 25. Section 6 of said chapter 70, as appearing in the 2004 Official Edition, is hereby
3 amended by striking out, in line 6, the word "minimum".

School Finance V

1
2 SECTION 26. Said section 6 of said chapter 70, as so appearing, is hereby further amended by
3 striking out, in line 8, the words "but not including equity aid".

Tuition Retention for UMass

1
2 SECTION 27. Section 1A of chapter 75 of the General Laws, as so appearing, is hereby amended
3 by inserting after the fifth paragraph the following 2 paragraphs:-

3 All tuition and fees received by each university campus shall be retained by the board of trustees
4 in a revolving trust fund and shall be expended as the board of trustees may direct for the operation and
5 support of the institution. Any balance in the trust fund at the end of a fiscal year shall continue to be held
6 in the trust fund, shall remain available for expenditure in subsequent fiscal years and shall not revert to the
7 General Fund. All such trust funds shall be subject to audit by the state auditor.

8 For employees of the university who are paid from tuition retained under this section, fringe
9 benefits and any collective bargaining increases shall be funded as if those employees' salaries were
10 supported by state appropriations.

Technical Correction – Rural Hospital Designation

1
2 SECTION 28. Section 52 of chapter 111 of the General Laws, as appearing in the 2004 Official
3 Edition, is hereby amended by adding the following definition:-

4 "Rural hospital", an acute-care hospital as defined in section 25B and licensed under this chapter,
5 which: (1) has been designated by the department as a rural hospital based on bed size, city or town
6 population, and population density of the city, town, service area or county as determined by the
7 department through regulation; or (2) a hospital currently designated as a critical access hospital by the

United States Department of Health and Human Services in accordance with federal regulations and state requirements.

Notification of the Re-Use of Medical Devices

SECTION 29. Said chapter 111 is hereby further amended by inserting after section 70G the following section:-

Section 70H. (a) The following words shall have the following meanings unless the context clearly requires otherwise:

“Health care provider”, a licensed facility under section 51 or a licensed physician, nurse practitioner, nurse midwife, physician assistant, nurse, dentist or other health care professional who uses single-use medical products in furnishing medical, surgical or dental treatment or care to patients.

“Original device”, a new, unused single-use device.

“Original manufacturer”, a person who designs, manufactures, fabricates, assembles or processes a finished device which is new and has not been used in a previous medical procedure.

“Reprocessed device”, an original device that has been previously used on a patient and subjected to additional processing and manufacturing for the purpose of additional use on a different patient. The subsequent processing and manufacture of a reprocessed single-use device shall result in a device that is reprocessed within the meaning of this definition. A single-use device that meets the definition of reprocessed, shall be a reprocessed device without regard to any description of the device used by the manufacturer of the device or other person, including a description that uses the term “recycled” “refurbished” or “reused” rather than the term “reprocessed”. A reprocessed device shall not include a disposable or single-use medical device that has been opened but not used on a patient.

“Reprocessor”, includes, but shall not be limited to, a person who performs the functions of contract sterilization installation, relabeling, remanufacturing repacking or specification development of reprocessed devices.

“Single-use device”, a medical device that is indicated for single patient use by the original manufacturer and which enters the body, pierces the skin or comes in contact with blood, bone or other bodily fluids.

) Except as provided in this section, a health care provider shall not use a reprocessed device on a patient without the patient’s consent as evidenced by a signed written notice required under this section which shall be a permanent medical record of the patient.

(c) (1) Except as provided in this section, a health care provider shall provide each patient on admission or registration with a written notice that describes: (i) the practices of the health care provider regarding reprocessed devices, including the circumstances under which such reprocessed devices are used and the safeguards taken by the health care provider to ensure the safety of the patient under those circumstances; and (ii) the risks of using reprocessed devices generally and in the specific application.

(2) The notice shall provide the patient with an opportunity to consent or refuse to consent to the use of reprocessed device on the patient. A patient's refusal to consent shall not in any way limit the patient's access to health care, including the use of an original device.

) be separate from all other documents provided to the patient; (ii) be in plain language; (iii) provide a place to indicate the patient's refusal or consent; (iv) provide a signature line for the patient; and (v) be

1 approved by the department, including the adequacy of the notice itself and the adequacy of the description
2 of the risks provided in the notice.

3
4 A health care provider shall ensure that a signed notice required under this section is made part of
5 the permanent medical record of the patient.

6 Except as provided in this section, on admission or registration of a patient, a health care provider
7 shall require the attending physician or the attending physician's designee to: (1) describe verbally the
8 contents of the notice required under this section to the patient, including the patient's opportunity to
9 provide or refuse consent to the use of reprocessed devices; (2) ensure that the patient understands the
10 contents of the notice required; and, (3) if necessary, arrange for an interpreter to facilitate the patient's
11 comprehension of the notice required in this section.

12
13 (f) If a health care provider has admitted or registered a patient in compliance with this section, the
14 health care provider shall not be required to comply with this section during subsequent admissions or
15 registrations of the same patient so long as the health care provider verifies that the patient's consent or
16 refusal to consent to the use of reprocessed devices is recorded in the permanent medical record of the
17 patient and unless the patient revokes consent in a subsequent written document provided to the health care
18 provider. Any written revocation shall be deemed effective regardless of its form.

19
20 (g) Notification to the department shall occur whenever a person performing the reuse, recycling,
21 reprocessing, refurbishing for reuse or providing for the reuse of single-use medical device, reconditioning,
22 or rebuilding a single-use medical device becomes aware of information that suggests that a single-use
23 medical device that was reused, recycled, reprocessed, refurbished, reconditioned or rebuilt by a person or
24 entity may have: (1) caused or contributed to a death or serious injury; or (2) malfunctioned and the single-
25 use medical device or a similar device that would be re-used, recycled, reprocessed or refurbished by a
26 hospital or other entity on behalf of the hospital would be likely to cause death or serious injury if the
27 malfunction were to recur.

28
29 Failure of a reprocessor or health care provider to comply with this section shall be prima facie
30 evidence that the reprocessing of the single-use device alone has rendered it unreasonably dangerous and
31 unfit for its intended use.

32
33 (i) A person convicted of violating this section shall be punished by a fine of not less than \$10,000
34 for a first offense and not less than \$20,000 for a second or subsequent offense. Remedies provided under
35 this section shall not be exclusive of any other remedies that may be pursued against a re-processor or
36 health care provider.

Catastrophic Illness in Children Relief Fund I

1 SECTION 30. Section 1 of chapter 111K of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out, in line 11, the figure "18" and inserting in place thereof the
3 following figure:- 21.

Catastrophic Illness in Children Relief Fund II

1 SECTION 31. Section 5 of said chapter 111K, as so appearing, is hereby amended by striking out,
2 in line 24, the figure "3" and inserting in place thereof the following figure:- 5.

Chelsea Soldiers' Home Licensed Practical Nurse Work Commitment

1 SECTION 32. Chapter 115A of the General Laws is hereby amended by inserting after section 10
2 the following section:-

3
4 Section 10A. (a) The commandant of the Soldiers' Home in Massachusetts may establish a
5 program for the education and training of practical nurses and promulgate regulations to govern the
6 program. The commonwealth may provide the education and training at no cost to the program participants,
7 apart from fees and uniforms. A participant completing the education and training program and licensed as
8 a practical nurse by the board of registration in nursing shall be required to obtain employment as a
9 practical nurse at a state-operated facility for 2,000 hours on either a full-time or part-time basis as
10 specified by the commandant, or as determined by the appointing authority of the state facility where the
11 person becomes employed. Program participants shall be required to sign an agreement acknowledging
12 either their work commitment to the commonwealth or, in lieu of completing a work commitment, their
13 obligation to repay the cost of the education and training program to the Soldiers' Home in Massachusetts.
14

15 (b) If a participant who has completed the education and training program, and is licensed by the
16 board as a practical nurse, fails to complete the employment requirement or any portion thereof, or fails to
17 repay any of the costs thereof, the remaining contractual obligation between the Soldiers' Home and the
18 participant shall be charged against the participant. The commandant shall, in his discretion, determine the
19 names of those defaulting on their obligations in the training and education program and report those
20 names, addresses and license numbers to the board of registration in nursing. The commandant shall notify
21 those he has determined to be in default that he has initiated proceedings that could result in the suspension
22 or revocation of their licenses. The commandant shall also initiate an action to suspend or revoke the
23 nursing license of each defaulting participant before the division of administrative law appeals. The
24 division shall schedule an adjudicatory hearing under section 10 of chapter 30A within 30 days of receipt of
25 the commandant's notice and shall notify the commandant and the licensee that they have the right to a full
26 and fair hearing on the matter. For purposes of such hearings, the commandant's written representation,
27 executed under the pains and penalties of perjury, with supporting documentation, to the division
28 establishing that a participant is in default of his obligation shall be prima facie evidence of default. The
29 commandant shall notify the board of registration in nursing of the final written decision of the division of
30 administrative law appeals. If the division finds the license should be suspended or revoked, the board of
31 registration in nursing shall, within 15 days of receipt of such finding, suspend or revoke the license.
32 Within 30 days of receipt of notice of the final decision of the division or, if a petition for rehearing has
33 been timely filed with the division, within 30 days after receipt of notice of the division's denial of such
34 petition for rehearing, an aggrieved party may file for judicial review in superior court pursuant to section
35 14 of said chapter 30A.
36

37 (c) A license that has been suspended or revoked under this section shall not be reinstated or
38 renewed until the commandant notifies the board of registration in nursing that the participant is in good
39 standing with respect to all costs or employment commitments to the commonwealth. Upon such notice,
40 the board may reissue or renew the individual's license.
41

42 (d) Notwithstanding the foregoing, the board of registration in nursing may take any additional
43 actions or sanctions against the individual as provided by law and regulation.
44

Affordable Premiums for the Children's Medical Security Plan

1
2
3
4 SECTION 33. Section 10F of chapter 118E of the General Laws, as appearing in the 2004 Official
5 Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following
6 subsection:-
7

8 (d) The cost of the program shall be funded in part by premiums contributed by enrollees according
9 to the following eligibility categories:

10 (1) enrollees in households ineligible for medical benefits pursuant to this chapter earning less than
11 200 per cent of the federal poverty level shall not be responsible for contributing to program premium
12 costs;
13

10 (2) enrollees in households earning between 201 per cent and 300 per cent of the federal poverty
11 level, inclusive, shall contribute not less than 20 per cent nor more than 30 per cent of the monthly
12 premium costs according to a sliding scale established by the division; provided, however, that additional
13 contributions shall not be required for any enrollee after the third enrollee in any such household;

14 (3) enrollees in households earning between 301 per cent and 400 per cent of the federal poverty
15 level, inclusive, shall contribute not less than 85 per cent nor more than 90 per cent of the monthly
16 premium costs according to a sliding scale established by the division; provided, however, that additional
17 contributions shall not be required for any enrollee after the first enrollee in any such household;

18 (4) enrollees in households earning more than 400 per cent of the federal poverty level shall pay not
19 more than the full premium costs of the program.

20 Household earnings may be defined on the basis of gross earnings or on an adjusted basis according
21 to criteria deemed appropriate by the division. The division shall base premium costs on an actuarially-
22 sound methodology. Premiums contributed by enrollees shall be deposited in the General Fund.

Community Spouse Resource Allowance

1 SECTION 34. Section 21A of said chapter 118E, as so appearing is hereby amended by inserting
2 after the word “computation”, in lines 15 and 16, the following words:- ; provided, however, that the
3 division shall establish the maximum community spouse resource allowance permissible under 42 U.S.C.
4 s.1396r-5(f)(2).

Nursing Facility Base Rate Adjustment

1 SECTION 35. Section 7 of chapter 118G of the General Laws, as so appearing, is hereby amended
2 by striking out, in line 27, the word “four” and inserting in place thereof the following figure:- 5.

MassHealth Provider Payment Account I

1 SECTION 36. Section 18 of said chapter 118G, as so appearing, is hereby amended by adding the
2 following subsection:-

3 (q) Within the Medical Assistance Trust Fund as established in section 2QQQ of chapter 29, there
4 shall be a MassHealth provider payment account, administered by the secretary of health and human
5 services. Subject to the availability of federal financial participation, funds may be expended from this
6 account for supplemental Medicaid payments to qualifying providers pursuant to an approved state plan or
7 federal waiver. All Title XIX federal financial participation revenues generated by hospital payments
8 funded by the Medical Assistance Trust Fund, whether the payments are made by the division of health
9 care finance and policy or the executive office of health and human services, shall be credited to the
10 General Fund.

Social Security/Unemployment Insurance Offset I

1 SECTION 37. Section 29 of chapter 151A of the General Laws, as so appearing, is hereby amended
2 by striking out, in line 125, the words “the Social Security Act or”.

Social Security/Unemployment Insurance Offset II

1 SECTION 38. Paragraph (6) of subsection (d) of said section 29 of said chapter 151A, as so
2 appearing, is hereby amended by adding the following sentence:- Payments received under the Social
3 Security Act shall not be subject to this paragraph.

Regional Transit Authority Financing and Service Fund V

1 SECTION 39. Section 5 of chapter 161B of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after the first paragraph the following paragraph:-
3

4 Notwithstanding this section, each city and town shall have 1 equal vote for the appointment of the
5 administrator established pursuant to section 4. In addition, the secretary of transportation or his designee
6 shall serve as a non-voting member of the advisory board. In addition, each city or town, on a rotating
7 basis, shall appoint a resident of said city or town to serve as a non-voting member of the advisory board
8 who shall be mobility-impaired or have a mobility-impaired family member or be a caretaker of a mobility
9 impaired person, or be employed by an organization that serves the needs of the mobility-impaired. Said
10 member shall serve a term of 1 year. The schedule of rotation shall be determined by a vote of the advisory
11 board.

Regional Transit Authority Financing and Service Fund VI

1 SECTION 40. Said section 5 of said chapter 161B, as so appearing, is hereby further amended by
2 inserting after the word “delegation”, in line 29, the following words:- but the advisory board shall not
3 delegate its power of appointment of the administrator established pursuant to section 4.

Regional Transit Authority Financing and Service Fund VII

1 SECTION 41. Section 8 of said chapter 161B, as so appearing, is hereby amended by striking out
2 subsection (h), and inserting in place thereof the following subsection:-
3

4 (h) All current expenses of the authority shall be in accordance with an annual budget prepared by
5 the administrator and submitted to the advisory board and to the secretary of transportation for his review
6 no later than April first of each year for the ensuing fiscal year. On or before June first, the advisory board
7 shall approve said budget as submitted or subject it to such itemized reductions therein as the advisory
8 board considers appropriate. The annual budget may be amended by the authority with approval of a
9 supplemental budget by the advisory board. The authority shall submit to the secretary for his approval any
10 supplemental budget approved by the advisory board which shall cause to be increased the amount of
11 contract assistance to be paid to the authority pursuant to section 23.

Utility Customer Protection I

1 SECTION 42. Section 94 of chapter 164 of the General Laws, as so appearing, is hereby amended
2 by adding the following paragraph:-
3

4 Any attempt by a gas or electric company, either through terms and conditions, standard offer
5 services, or any other agreement or contract with a retail customer to hold itself harmless in contract, tort,
6 strict liability or otherwise for economic damages caused by an interruption in service shall be void as
7 against public policy.

Utility Customer Protection II

1
2 SECTION 43. Said chapter 164 is hereby further amended by inserting after section 102C the
3 following section:-

Section 102D. (a) In this section, unless the context otherwise requires, the following words shall have the following meanings:

“Company”, a gas or electric company as defined in this chapter, or a municipal gas or electric department, corporation or plant established pursuant to any general or special law.

“Department”, the department of telecommunications and energy.

“Economic damages”, any special, indirect, or consequential damages including, but not limited to, loss of income, profits or revenue, loss of use of equipment, cost of capital, cost of temporary equipment, overtime, business interruption, spoilage of goods, claims of customers of the retail customer or other economic harm caused by an interruption in gas or electrical service.

“Electric service”, the provision of generation, transmission, distribution, or ancillary services to a retail customer.

“Gas service”, selling or distributing and selling, gas within the commonwealth, including the provision of any ancillary services to a retail customer.

“Retail customer”, a person or entity located in the commonwealth that purchases gas service or electric service from a company for its own consumption and not for resale in whole or in part.

(b) Upon receiving the written complaint of a retail customer that an interruption in gas or electric service has resulted in economic damages to the person or property of the customer and after conducting an adjudicatory hearing as defined in chapter 30A, the department may issue an order holding the company liable for failing to act reasonably to provide such gas or electric service as required by this chapter and may order restitution to the retail customer for any such economic damages in an amount not to exceed \$25,000.

(c) In determining the amount of restitution owed, the department may consider evidence that the company has taken reasonable steps to mitigate, to the maximum extent practicable, all economic harm to the retail customer resulting from the interruption in service and the retail customer’s reliance upon such mitigation. For the purpose of determining restitution, the department shall disregard any attempt by the company, either through terms and conditions, standard offer service, or any other agreement or contract with the retail customer to hold itself harmless in contract, tort, strict liability or otherwise for any economic damages caused by an interruption in service. In any such hearing, the burden of establishing and proving the exercise of reasonable or ordinary care in providing gas or electrical service shall be on the company, and there shall be a rebuttable presumption that the interruption in service was caused by the company’s failure to exercise reasonable or ordinary care under all of the circumstances.

(d) The complaint shall be filed with the department within 30 days of the interruption in service. The department shall issue a final order on the complaint and claim for damages within 180 days of receiving the written complaint. The department shall, in coordination with the office of consumer affairs, promulgate rules and regulations to implement this section to provide for the expeditious treatment of complaints brought by retail customers.

(e) A company that is the subject of a complaint as provided in this section shall submit to arbitration if requested to do so by a retail customer. Arbitration shall be performed by the department or by a state-certified professional arbitrator or arbitration firm appointed by the department and operating in accordance with the rules and regulations promulgated by the department. The rules and regulations shall afford customers the opportunity to participate in a voluntary mediation process with the company through an alternative dispute resolution process to settle the claim without recourse to arbitration. The department shall establish a 90-day timeline for the resolution of all mediation claims.

59 (f) Appeals as to matters of law from a final decision, order or ruling of the department may be had
60 by an aggrieved party in interest by the filing of a written petition in the supreme judicial court praying that
61 the order of the department be modified or set aside in whole or in part. A petition for appeal shall be filed
62 with the department within 20 days after the date of service of the order of the department or within such
63 further time as the department may allow upon request filed before the expiration of the 20 days after the
64 date of service of the order.

CPCS Rates of Compensation

1
2 SECTION 44. Section 11 of chapter 211D of the General Laws, as appearing in section 2 of
3 chapter 54 of the acts of 2005, is hereby amended by striking out the first sentence and inserting in place
4 thereof the following sentence:- The rates of compensation payable to all counsel, who are appointed or
5 assigned to represent indigents within the private counsel division of the committee in accordance with
6 paragraph (b) of section 6, shall, subject to appropriation, be as follows: for homicide cases, the rate of
7 compensation shall be \$105 per hour; for superior court non-homicide cases, including sexually dangerous
8 person cases, the rate of compensation shall be \$65 per hour; for district court cases and children in need of
9 services cases, the rate of compensation shall be \$53 per hour; for children and family law cases, care and
10 protection cases, sex offender registry cases and mental health cases, the rate of compensation shall be \$55
11 per hour.

Public Hospital Ownership Conversion Assistance

1 SECTION 45. Item 1599-1499 of section 2A of chapter 101 of the acts of 1999 is hereby repealed.

Long Term Care Commission

1
2 SECTION 46. Item 9110-0100 of section 2 of chapter 177 of the acts of 2001 is hereby amended
3 by striking out, in lines 42 to 90, inclusive, the words "the provisions of any general or special law to the
4 contrary, there is hereby established a special commission to study the future of long-term health care in the
5 commonwealth and the status and needs of the long-term care workforce; provided further, that said
6 commission shall be charged with evaluating options and making policy recommendations that can be used
7 to develop legislation that will address the health care needs of elders age 60 and older; provided further,
8 that said commission shall consist of the following members: 7 members of the senate, 1 of whom shall be
9 appointed by the minority leader of the senate; 7 members of the house of representatives, 1 of whom shall
10 be appointed by the minority leader of the house of representatives; the secretary of health and human
11 services or his designee; the director of the department of housing and community development or her
12 designee; the attorney general or his designee; the secretary of elder affairs or her designee; the
13 commissioner of health care finance and policy or his designee; the commissioner of insurance or her
14 designee; the director of labor and workforce development or his designee; the commissioner of education
15 or his designee; the director of the Commonwealth Corporation or his designee; a representative of a labor
16 organization representing long-term care workers; the Massachusetts Council of Home Care Aide Services
17 and the commissioner of medical assistance or her designee; 1 representative from each of the following
18 organizations: Mass Aging, Mass Home Care, the Alzheimer's Association, the Massachusetts Extended
19 Care Federation, the American Association of Retired Persons, the Medicare Advocacy Project, the Home
20 and Health Care Association of Massachusetts, the Massachusetts Assisted Living Facilities Association,
21 the Mass Senior Action Council, Massachusetts Association of Older Americans, the Paraprofessional
22 HealthCare Institute, the Massachusetts Chapter of the National Alliance of Caregivers, Health Care For
23 All, the Massachusetts chapter of the National Association of Insurance and Financial Agents, the Citizen's
24 Housing and Planning Association, and the Gerontology Institute at the University of Massachusetts at
25 Boston; a representative of the insurance industry who has experience in the insurance markets affecting
26 long-term care who shall be appointed by the governor; and a representative of the business community

27 who shall be appointed by the governor; provided further, that the members shall elect a chairperson of said
28 commission who shall be 1 of the legislative members of the commission; and provided further, that the
29 commission shall meet until the end of fiscal year 2003 and shall release its first recommendations to the
30 house and senate committees on ways and means no later than July 31, 2002” and inserting in place thereof
31 the following words:- any general or special law to the contrary, there shall be a special commission to
32 study the aging population and the future of long-term care in the commonwealth; provided further, that the
33 commission shall evaluate options and make policy recommendations that can be used to develop
34 legislation to address the health care, housing and pension needs of elders age 60 and older, as well as the
35 status and needs of the long-term care workforce; provided further, that the commission shall examine
36 eligibility requirements for Medicaid and MassHealth for long-term care, including potential savings to the
37 commonwealth, by adjusting income requirements and asset requirements and the look-back period;
38 provided further, that the commission shall also examine ways to market long-term care insurance and
39 provide incentives to people to purchase long-term care insurance including, but not limited to, proposed
40 legislative and executive actions; provided further, that the commission shall consist of the following
41 members: the secretary of elder affairs or her designee, who shall serve ex officio; the chairman of the
42 public employee retirement administration commission or his designee, who shall serve ex officio; a
43 representative of a labor organization representing long-term care workers; 1 representative from each of
44 the following organizations: the Massachusetts Council of Home Care Aide Services, Mass Aging, Mass
45 Home Care, the Alzheimer’s Association, the Massachusetts Extended Care Federation, the American
46 Association of Retired Persons, the Medicare Advocacy Project, the Home and Health Care Association of
47 Massachusetts, the Massachusetts Assisted Living Facilities Association, the Mass Senior Action Council,
48 the Massachusetts Association of Older Americans, the Paraprofessional HealthCare Institute, the
49 Massachusetts chapter of the National Alliance of Caregivers, Health Care For All, the Massachusetts
50 chapter of the National Association of Insurance and Financial Advisors, the Massachusetts Association of
51 Health Underwriters and the Gerontology Institute at the University of Massachusetts at Boston; a
52 representative of the Massachusetts chapter of the National Academy of Elder Law Attorneys; a
53 representative of the insurance industry who has experience in the insurance markets affecting long-term
54 care who shall be appointed by the governor; and a representative of the business community who shall be
55 appointed by the governor; provided further, that the members shall elect a chairperson of the commission;
56 and provided further, that the commission shall release its first recommendations to the house and senate
57 committees on ways and means not later than December 31, 2006.”

Eliminate Repeal of Division of Professional Licensure Trust

1 SECTION 47. Sections 7A and 80 of chapter 177 of the acts of 2001 are hereby repealed.

EOEA Bond Amendment I

SECTION 48. Item 2100-2016 of chapter 236 of the acts of 2002, now referenced as item 2800-2016 per the direction of the office of the state comptroller, is hereby amended by striking out the figure “\$9,057,000” and inserting in place thereof the following figure:- \$14,057,000

EOEA Bond Amendment II

1
2 SECTION 49. Item 2000-2013 of said chapter 236 is hereby amended by striking out the figure
3 “\$21,250,000” and inserting in place thereof the following figure:- \$31,250,00

EOEA Bond Amendment III

1 SECTION 50. Item 2000-2014 of said chapter 236 is hereby amended by striking out the figure
2 “\$22,162,714” and inserting in place thereof the following figure:- \$32,162,714

EOEA Bond Amendment IV

1 SECTION 51. Item 2300-2010 of said chapter 236 is hereby amended by striking out the figure
2 “\$20,000,000” and inserting in place thereof the following figure:- \$25,000,000

EOEA Bond Amendment V

1 SECTION 52. Item 2000-2017 of said chapter 236 is hereby amended by striking out the figure
2 “\$20,000,000” and inserting in place thereof the following figure:- \$23,000,000

EOEA Bond Amendment VI

1 SECTION 53. Item 2000-2019 of said chapter 236 is hereby amended by striking out the figure
2 “\$3,450,000” and inserting in place thereof the following figure:- \$4,450,000

EOEA Bond Amendment VII

1 SECTION 54. Item 2000-2021 of said chapter 236 is hereby amended by striking out the figure
2 “\$9,000,000” and inserting in place thereof the following figure:- \$11,000,000

EOEA Bond Amendment VIII

1 SECTION 55. Item 2300-2015 of said chapter 236 is hereby amended by striking out the figure
2 “\$3,625,000” and inserting in place thereof the following figure:- \$4,625,000

EOEA Bond Amendment IX

1 SECTION 56. Item 2440-2017 of said chapter 236, now referenced as item 2840-2017 per the
2 direction of the office of the state comptroller, is hereby amended by striking out the figure “\$4,500,000”
3 and inserting in place thereof the following figure:- “\$7,500,000”

EOEA Bond Amendment X

1 SECTION 57. Item 2500-2012 of said chapter 236 is hereby amended by striking out the figure
2 “\$52,680,000” and inserting in place thereof the following figure:- \$62,680,000

EOEA Bond Amendment XI

1 SECTION 58. Item 2500-2014 of said chapter 236 is hereby amended by striking out the figures
2 “\$1,025,000” and inserting in place thereof the following figure:- \$2,025,000
3

EOEA Bond Amendment XII

SECTION 59. Section 3 of chapter said chapter 236 is hereby amended by striking out, in line 4,
the figure “\$707,372,514” and inserting in place thereof the following figure:- \$758,372,514

Terms Amendment

1
2 SECTION 60. Section 4 of chapter 245 of the acts of 2002 is hereby amended by striking out, in
3 line 4, the figure “\$762,328,784” and inserting in place thereof the following figure:- \$763,828,784

Bridgewater Emergency Safety Equipment Grants

1
2 SECTION 61. Item 8900-0001 of section 2 of chapter 149 of the acts 2004, as amended by section
3 110 of chapter 352 of the acts of 2004, is hereby further amended by inserting after the word "grants", in
4 line 21, the following words:- for the town of Bridgewater.

Revere/Everett Skating Rink Decoupling Technical Amendment

1
2 SECTION 62. Subsection (b) of section 279 of said chapter 149, as most recently amended by
3 section 174 of said chapter 352, is hereby further amended by striking out the second paragraph and
4 inserting in place thereof following paragraph:-
5

6 No proposal to lease the Allied Veterans rink in the city of Everett shall be considered responsive,
7 nor shall it be accepted, without a proposal by the same offeror to lease the Cronin rink in the city of
8 Revere, except that a proposal by the city of Everett to lease the Allied Veterans rink, without a proposal to
9 lease the Cronin rink, shall be considered responsive and may be accepted.

Water Supply Protection Trust

1 SECTION 63. Section 417 of said chapter 149 is hereby amended by striking out the words
2 "January 15, 2007" and inserting in place thereof the following words:- January 15, 2009.

Regional Transit Authority Financing and Service Fund VIII

1 SECTION 64. Chapter 291 of the acts of 2004 is hereby amended by inserting after section 2K the
2 following section:-
3

SECTION 2L.

4 6001-0606. For the purpose of retiring revenue anticipation notes and any interest associated thereof
5 for the purpose of currently financing the regional transit authorities established pursuant to chapters 161
6 and 161B of the General Laws; provided, that each authority shall submit to the executive office of
7 transportation and the executive office for administration and finance a certified statement identifying the
8 total amount of notes and interest issued by the regional transit authority which are attributable to contract
9 assistance and any notes and interest that may be outstanding which are attributable to contract assistance
10 which are payable in fiscal year 2006 or fiscal year 2007; and provided further, that amounts allocated to
11 the authorities from this item shall be expended in accordance with policies, rules and regulations
12 established by the executive office of transportation.....\$75,000,000
13

Regional Transit Authority Financing and Service Fund IX

1 SECTION 65. Said chapter 291 is hereby amended by inserting after section 14 the following
2 section:-
3

4 SECTION 14½. To meet the expenditures necessary in carrying out section 2L, the state treasurer
5 shall, upon the request of the governor, issue and sell bonds of the commonwealth, in an amount to be
6 specified by the governor from time to time, but not exceeding in the aggregate the sum of \$75,000,000.
7 All bonds issued by the commonwealth as aforesaid shall be designated on their face, Regional
8 Transportation Authority Current Financing Act of 2006, and shall be issued for the maximum term of
9 years, not exceeding 5 years, as the governor may recommend to the general court pursuant to Section 3 of
10 Article LXII of the Amendments to the Constitution. Those bonds shall be payable not later than June 30,
11 2016. All interest and payments on account of principal on the obligations shall be payable from the

12 Highway Fund. Notwithstanding any previous act or special law, bonds and interest thereon issued under
13 this section shall be general obligations of the commonwealth.

Regional Transit Authority Financing and Service Fund X

1 SECTION 66. Section 102 of said chapter 291 is hereby repealed.

Houghton's Pond Technical Correction

1 SECTION 67. Section 2E of chapter 352 of the acts of 2004 is hereby amended by striking out
2 item 2800-0105, as amended by section 1 of chapter 28 of the acts of 2005, and inserting in place thereof
3 the following item:-
4

5 2800-0105 For repairs to the department of conservation and recreation's recreational rinks;
6 provided, that all funds appropriated herein for recreational rink projects, but excluding any bath house or
7 athletic field project, shall be subject to private matching funds up to a 2-to-1 match; provided further, that
8 \$1,000,000 shall be expended for Connell Rink in the town of Weymouth; provided further, that \$900,000
9 shall be expended for bath house repairs and athletic fields at Houghton's Pond; provided further, that not
10 less than \$300,000 of said \$900,000 shall be expended for the renovations, including irrigation, to the
11 Houghton's pond athletic fields; and provided further, that \$1,000,000 shall be provided to the Eileen
12 Patricia Sullivan Roche Foundation for the repair and improvement of the Jim Roche Memorial Rink,
13 formerly the Walter C. Bryan Memorial Rink in the West Roxbury section of the city of
14 Boston.....\$2,900,000

Five Missing Days in State and Community College Contracts

1 SECTION 68. Item 1599-4124 of section 2A of chapter 6 of the acts of 2005 is hereby amended by
2 striking out the words "July 6, 2003" and inserting in place thereof the following words:- July 1, 2003.
1
2

After School Commission

1
2 SECTION 69. Item 9700-0100 of section 2 of chapter 45 of the acts of 2005 is hereby amended by
3 striking out the words "December 15, 2005; provided further, that the joint committee on education and the
4 joint committee on children and families shall review the recommendations of the working group on after
5 school and out-of-school time; and provided further, that the committees shall make recommendations not
6 later than February 1, 2006 to the general court, along with any legislative or budgetary recommendations
7 necessary to best support accessible, affordable, quality out-of-school time programming for school age
8 children" and inserting in place thereof the following words:-
9

10 December 15, 2006; provided further, that the joint committee on education and the joint committee
11 on children and families shall review the recommendations of the working group on after-school and out-
12 of-school time; and provided further, that the committees shall make recommendations not later than
13 February 1, 2007 to the general court, along with any legislative or budgetary recommendations necessary
14 to best support accessible, affordable, quality out-of-school time programming for school age children; and
15 provided further, that for the purpose of the programs, appropriated funds may be expended through
16 February 1, 2007.

Beaches Commission Reporting Date

1 SECTION 70. The last paragraph of section 36 of chapter 45 of the acts of 2005 is hereby amended
2 by striking out the words "April 30, 2006" and inserting in place thereof the following words:- December
3 31, 2006.

Transitional Escrow Fund Extension

1 SECTION 71. Subsection (b) of section 16 of chapter 106 of the acts of 2005 is hereby amended by
2 striking out the figure, "2006," and inserting in place thereof the following figure:- 2007.

Greater Boston Food Bank

1 SECTION 72. The last sentence of the second paragraph of section 3 of chapter 2 of the acts of
2 2006 is hereby amended by inserting after the word "mortgagee" the following words:- and shall expire as
3 of December 31, 2016.

Transitional Escrow Fund Transfer

1
2
3 SECTION 73. Notwithstanding any general or special law to the contrary, not later than 10 days
4 after the effective date of this act, the comptroller shall transfer \$135,991,000 from the Commonwealth
5 Stabilization Fund, established pursuant to section 2H of chapter 29 of the General Laws, to the
Transitional Escrow Fund, established in section 16 of chapter 106 of the acts of 2005.

Caseload Capacity for MassHealth Dentists

1 SECTION 74. Notwithstanding any special or general law to the contrary, the executive office of
2 health and human services may promulgate regulations allowing any dentist participating in the
3 MassHealth program to limit the number of MassHealth patients in his or her practice in accordance with
4 standards or procedures to be established by the executive office of health and human services.

Uncompensated Care Trust Fund Federal Reimbursement

1 SECTION 75. Notwithstanding any general or special law to the contrary, the executive office of
2 health and human services and the division of health care finance and policy shall take any appropriate
3 action to obtain the maximum amount of federal financial participation available for amounts paid to
4 hospitals, determined by the division to be disproportionate share hospitals in accordance with Title XIX
5 requirements, for free care costs of those hospitals. Appropriate action may include, but shall not be limited
6 to, the assessment on hospitals for their liability to the uncompensated care pool under chapter 118G of the
7 General Laws. Appropriate action shall include the establishment or renewal of an interdepartmental
8 services agreement between the executive office and the division which may authorize the division to make
9 deposits into and payments from an account established for the purposes of this section within the
10 Uncompensated Care Trust Fund, established by section 18 of chapter 118G, or authorize the division of
11 health care finance and policy to transfer uncompensated care fee revenue collected from hospitals under
12 said chapter 118G or funds otherwise made available to the trust fund by the general court, to the executive
13 office for the purposes of making disproportionate share adjustment payments to hospitals qualifying for
14 those payments in accordance with the commonwealth's Title XIX state plan and relevant provisions of
15 Title XIX. The executive office may expend amounts transferred to it from the Uncompensated Care Trust
16 Fund by the division under these interdepartmental services agreement without further appropriation. In no
17 event shall the amount of money assessed upon each hospital exceed the hospital's gross liability to the
18 Uncompensated Care Trust Fund as determined by the division under said section 18 of said chapter 118G
19 of the General Laws. Any federal funds obtained as a result of these actions shall be deposited in the
20 General Fund. The offices of the state treasurer and the comptroller shall establish procedures that may be

21 necessary to effectuate this section, including procedures to facilitate the expeditious assessment, collection
22 and expenditure of funds under this section.

Initial Gross Payment to Qualifying Acute Care Hospitals

1 SECTION 76. Notwithstanding any general or special law to the contrary, the comptroller shall
2 transfer on or before October 1, 2006, the greater of \$30 million or one-twelfth of the total expenditures to
3 be made to hospitals and community health centers under chapter 58 of the acts of 2006 from the General
4 Fund to the Uncompensated Care Trust Fund, established under section 18 of chapter 118G of the General
5 Laws, for the purpose of making initial gross payments to qualifying acute care hospitals for the hospital
6 fiscal year beginning October 1, 2006. These payments shall be made, without further appropriation, to
7 hospitals in anticipation of the payment by hospitals of their gross liability to the Uncompensated Care
8 Trust Fund. The comptroller shall transfer from the Uncompensated Care Trust Fund to the General Fund,
9 not later than June 30, 2007, the amount of the transfer authorized in this section, and any allocation of that
10 amount, as certified by the commissioner of the division of health care finance and policy.

Transfer of Annual Tobacco Payment

1 SECTION 77. Notwithstanding any general or special law to the contrary, during fiscal year 2007,
2 the comptroller shall transfer from the Health Care Security Trust, established under chapter 29D of the
3 General Laws, to the General Fund an amount equal to 100 per cent of the total of all payments received by
4 the commonwealth in fiscal year 2007 under the master settlement agreement in the action known as
5 Commonwealth of Massachusetts v. Phillip Morris, Inc. et. al., Middlesex Superior Court, No. 95-7378 and
6 50 per cent of the earnings generated in fiscal year 2007 from the Health Care Security Trust as certified by
7 the comptroller under paragraph (f) of section 3 of chapter 29D of the General Laws for certain health care
8 expenditures appropriated in section 2.

Budget-Neutral Financing Transfer to Commonwealth Care Trust Fund

1 SECTION 78. Notwithstanding any general or special law to the contrary, the comptroller shall, in
2 consultation with the state treasurer, the secretary of administration and finance and the secretary of health
3 and human services, develop a schedule for transferring not less than \$582,100,000 from the General Fund
4 to the Commonwealth Care Trust Fund. This schedule shall make the transfers in increments considered
5 appropriate to meet the cash flow needs of the General Fund and the Commonwealth Care Trust Fund. The
6 transfers shall not begin before July 1, 2006 and shall be completed on or before June 30, 2007.

Medicaid – Maximization of Third Party and Federal Revenue

1 SECTION 79. Notwithstanding any general or special law to the contrary, state agencies and direct
2 and subcontracted providers of health-related services, including purchase-of-service providers financed
3 from appropriation items for any state agency, shall maximize Title XIX and all other federal, state, and
4 private health insurance coverage available to offset costs to the commonwealth. The agencies or providers
5 shall collect information from clients, or from the parent or guardian of a minor receiving services,
6 necessary to determine the extent to which clients may be eligible for medical assistance benefits under
7 chapter 118E of the General Laws or are beneficiaries of any health insurance policy. The agencies or
8 providers shall forward client information collected under this section to the executive office of health and
9 human services, and this data shall only be used to match against available databases for the purpose of
10 identifying all sources of potential payment for health services or health insurance coverage. As required or
11 permitted by federal law, the executive office of health and human services shall return the results of any
12 data matches to the originating agency, which shall take the appropriate action to ensure that costs to the
13 commonwealth are minimized. These actions shall include, but not be limited to, the agency or provider
14 billing or re-billing all verified third-party sources. The executive office of administration and finance may
15 grant an agency or provider an exemption from this section for good cause. The executive office of health

16 and human services and the operational services division shall review regulations, contracting forms,
17 service delivery reports and uniform financial reporting requirements to determine what changes are
18 necessary for the successful implementation of this section.

Medicare Part D and Prescription Advantage

1 SECTION 80. Notwithstanding any general or special law to the contrary, in addition to the
2 eligibility requirements set forth in section 39 of chapter 19A for the subsidized catastrophic prescription
3 drug insurance program, in this section called the "prescription advantage program," to be considered
4 eligible for the prescription advantage program, individuals who receive Medicare and are applying for, or
5 are then enrolled in, the prescription advantage program shall also be enrolled in a Medicare prescription
6 drug plan, a Medicare Advantage prescription drug plan, or in a plan that provides creditable prescription
7 drug coverage as defined by section 104 of the Medicare Prescription Drug, Improvement and
8 Modernization Act of 2003, in this section called the "MMA", and that provides coverage of the cost of
9 prescription drugs actuarially equal to or better than that provided by Medicare Part D, in this section called
10 a "creditable coverage" plan.

11 In addition to the eligibility requirements set forth in said section 39 of chapter 19A, to be
12 considered eligible for the prescription advantage program, individuals who receive Medicare and are
13 applying for, or are then enrolled in, the prescription advantage program, who may qualify for the low-
14 income subsidy provided under the MMA Subpart P - Premiums and cost-sharing subsidies for low-income
15 individuals, shall apply for those subsidies. To the extent permitted by MMA and regulations promulgated
16 under the MMA, and all other applicable federal law, the prescription advantage program may apply on
17 behalf of a member for enrollment into a Medicare prescription drug plan or for the low-income subsidy
18 provided under the MMA and may receive information about the member's eligibility and enrollment status
19 necessary for the operation of the prescription advantage program.

20 For enrollees who qualify for enrollment in a Medicare Part D plan, the prescription advantage
21 program will provide a supplemental source of financial assistance for prescription drug costs, in this
22 section called "supplemental assistance" in lieu of the catastrophic prescription drug coverage provided
23 under said section 39 of chapter 19A. The prescription advantage program will provide supplemental
24 assistance for premiums, deductibles, payments, and co-payments required by a Medicare prescription drug
25 plan or Medicare Advantage prescription drug plan, and will provide supplemental assistance for
26 deductibles, payments and co-payments required by a creditable coverage plan. The department shall
27 establish the amount of the supplemental assistance it will provide enrollees based on a sliding income
28 scale and the coverage provided by the enrollees' Medicare prescription drug plan, Medicare Advantage
29 prescription drug plan, or creditable coverage plan. In addition to the eligibility requirements set forth in
30 said section 39 of chapter 19A, to be considered eligible for the prescription advantage program, an
31 individual must have a household income of less than 500 per cent of the poverty guidelines updated
32 periodically in the Federal Register by the United States Department of Health and Human Services under
33 the authority of 42 U.S.C. section 9902(2).

34 Residents of the commonwealth who are not eligible for Medicare will continue to be eligible for
35 the prescription advantage program under said section 39 of chapter 19A.

Nursing Facility Audit Disallowances

1 SECTION 81. Notwithstanding any general or special law to the contrary, in the event the division
2 of health care finance and policy conducts or uses an audit of nursing facilities' calendar year 2002 base
3 year costs for the purpose of reducing rates below levels that would be in effect in the absence of the audit,
4 the division shall disallow no more than \$22 million in the aggregate in fiscal year 2007 rates unless (1) 50
5 per cent of total nursing facilities licensed in calendar year 2002 are audited in a full-scope manner
6 identical to the division's originally proposed 114.2 CMR 6.00 Standard Payments to Nursing Facilities
7 regulation issued in May 2004; (2) each audited nursing facility has the right to appeal to the division of

8 administrative law appeals, and an increase in the aggregate \$22 million disallowance amount shall not
9 take effect until each appeal is completely adjudicated; and (3) the division conducts a public hearing
10 outlining the methodology and reason for disallowing more than the \$22 million aggregate amount, taking
11 into account the impact on patient care. In no event shall the division, in conducting any base year audit
12 permitted by this section, disallow any cost claimed by a provider if the cost is required to be incurred by
13 the provider under any federal or state law or regulation, is recognized as an allowable cost under any
14 federal or state law or regulation, or has been adjudicated to be an allowable cost in any proceeding arising
15 under the Medicare or Medicaid Programs.

Spending Authorization for Nursing Facility Assessment

1 SECTION 82. Notwithstanding any general or special law to the contrary, in fiscal year 2007, the
2 division of health care finance and policy, in this section called the division, shall establish nursing facility
3 Medicaid rates, payable out of the Health Care Quality Improvement Trust Fund, established under section
4 2EEE of chapter 29 of the General Laws, effective July 1, 2006 through June 30, 2007 that cumulatively
5 total \$288,500,000 more than the annual payment rates established by the division under the rates in effect
6 as of June 30, 2002, as mandated under section 1 of chapter 42 of the acts of 2003. The division shall adjust
7 per diem rates to reflect any reductions in Medicaid utilization. Payments from the fund shall be allocated
8 in the following manner in fiscal year 2007:

9 (a) effective July 1, 2006, an annual amount of \$99,000,000 in the aggregate to fund the use of 2000
10 base year cost information for rate determination purposes; provided, that \$9,000,000 of this amount shall
11 be expended for purposes of reimbursing nursing facilities for up to 10 bed hold days for patients of the
12 facility on medical and non-medical leaves of absence;

13 (b) effective July 1, 2006, an annual amount of \$122,500,000 for enhanced payment rates to nursing
14 homes;

15 (c) effective July 1, 2006, an annual amount of \$50,000,000 to fund a rate add-on for wages, hours
16 and benefits and related employee costs of direct care staff of nursing homes. As a condition for his rate
17 add-on, the division shall require that each nursing home document to the division that these funds are
18 spent only on direct care staff by increasing the wages, hours and benefits of direct care staff, increasing the
19 facility's staff-to-patient ratio, or by demonstrably improving the facility's recruitment and retention of
20 nursing staff to provide quality care, which shall include expenditure of funds for nursing facilities which
21 document actual nursing spending that is higher than the median nursing cost per management minute in
22 the base year used to calculate Medicaid nursing facility rates. A facility's direct care staff shall include all
23 nursing personnel including registered nurses, licensed practical nurses, and certified nurses' aides hired by
24 the facility from any temporary nursing agency or nursing pool registered with the department of public
25 health. The division shall credit wage increases that are over and above any previously collectively
26 bargained wage increases. In monitoring compliance for this rate add-on, the division's regulations shall
27 adjust any spending compliance test to reflect any Medicaid nursing facility payment reductions, including,
28 but not limited to, rate reductions imposed on or after October 1, 2002. The expenditure of these funds
29 shall be subject to audit by the division in consultation with the department of public health and the
30 executive office of health and human services. In implementing this section, the division shall consult with
31 the advisory council on quality of care in nursing homes;

32 (d) effective July 1, 2006, an annual amount of \$17,000,000 (a) to fund rate adjustments for
33 reasonable capital expenditures by nursing homes, giving priority to nursing homes located or constructed
34 in under-bedded areas as determined by the executive office, in consultation with the division, that meet
35 quality standards established by the executive office of health and human services in conjunction with the
36 department of public health and the division for the purposes of encouraging the upgrading and
37 maintenance of quality of care in nursing homes; and (b) to fund rate adjustments to eligible nursing homes
38 that meet utilization standards established by the executive office of health and human services in
39 consultation with the division for the purpose of reducing unnecessary nursing home admissions and
40 facilitating the return of nursing home residents to non-institutional settings. To the extent that the annual

amount of \$17 million in this paragraph is not fully allocated, the division shall first provide operating or capital rate adjustments for publicly operated, urban and/or geographically isolated nursing homes;

(e) \$300,000 for the purposes of an audit of funds distributed under clause (3). The division, in consultation with the department of public health and with the assistance of the executive office of health and human services, shall establish penalties sufficient to deter noncompliance to be imposed against any facility that expends any or all monies in violation of clause (3), including but not limited to recoupment, assessment of fines or interest. The division shall report to the house and senate committees on ways and means not later than October 1, 2007 a preliminary analysis of funds expended under this subsection in fiscal year 2006 and a description and timeline for auditing of these funds;

(f) \$250,000 to fund expenses at the division related to the implementation and administration of section 25 of chapter 118G of the General Laws; and

(g) an amount sufficient to implement section 622 of chapter 151 of the acts of 1996;

The comptroller shall transfer from the Health Care Security Trust Fund to the Health Care Quality Improvement Trust Fund on the first business day of each quarter, the amount indicated by the division and the executive office of health and human services to provide the appropriate rate increases to nursing homes; and provided further, that any additional funds that may become available in the Health Care Quality Improvement Trust Fund due to decreased Medicaid utilization shall first fund a per-diem rate add-on for large Medicaid providers as specified in 114.2 CMR 6.06 (10) (a), as in effect on September 1, 2003 and then fund further enhanced rates to nursing homes.

Tourism Formula Suspension

SECTION 83. Notwithstanding any general or special law to the contrary, section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2007.

Trial Court Transferability

SECTION 84. Notwithstanding paragraph (a) of subsection (xxiii) of section 9 of chapter 211B of the General Laws, or any other general or special law to the contrary, the chief justice for administration and management may, from the effective date of this act through April 30, 2007, transfer funds from any item of appropriation of any trial court department to any other item of appropriation within the trial court. These transfers shall be made in accordance with schedules submitted to the house and senate committees on ways and means. The schedule shall include the following: (1) the amount of money transferred from one item of appropriation to another; (2) the reason for the necessity of the transfer; and (3) the date on which the transfer is to be completed. No transfer under this section shall occur until 10 days after the revised funding schedules have been submitted in written form to the house and senate committees on ways and means.

Stabilization Fund Transfer

SECTION 85. Notwithstanding any general or special law to the contrary, on or before June 30, 2007, the comptroller shall transfer \$350,000,000 from the Commonwealth Stabilization Fund, established under section 2H of chapter 29 of the General Laws, to the General Fund.

Non-Contributory Pension Payment Moved to PRIT Fund

SECTION 86. Notwithstanding any general or special law to the contrary, pension benefits formerly funded through item 0612-2000 of section 2 of chapter 26 of the acts of 2003 shall be funded from

3 the Pension Reserves Investment Trust Fund, established under subdivision (8) of section 22 of chapter 32
4 of the General Laws. The state treasurer shall report to the house and senate committees on ways and
5 means not later than November 15, 2006 on the benefits funded under this section. This report shall list the
6 amount of benefit received by each individual through this funding in fiscal year 2006 and the amount of
7 benefit projected to be received by each individual through this funding in fiscal year 2007.

UMass/Health and Human Services Interagency Service Agreements

1 SECTION 87. Notwithstanding any general or special law to the contrary, the executive office of
2 health and human services under section 16 of chapter 6A of the general laws, acting in its capacity as the
3 single state agency under Title XIX of the Social Security Act, and other federally assisted programs
4 administered by the secretariat, and as the principal agency for all of the agencies within the secretariat,
5 may enter into interdepartmental services agreements with the university of Massachusetts medical school
6 to perform activities that the secretary, in consultation with the comptroller, determines are appropriate and
7 within the scope of the proper administration of Title XIX and other federal funding provisions to support
8 the programs and activities of the executive office. These activities shall include: (1) providing
9 administrative services, including, but not limited to, activities such as providing the medical expertise to
10 support or administer utilization management activities, determining eligibility based on disability,
11 supporting case management activities and similar initiatives; (2) providing consulting services related to
12 quality assurance, program evaluation and development, integrity and soundness and project management;
13 and (3) providing activities and services for the purpose of pursuing federal reimbursement or avoiding
14 costs, third party liability and recouping payments to third parties. Federal reimbursement for any
15 expenditures made by the university of Massachusetts medical school relative to federally reimbursable
16 services the university provides under these interdepartmental service agreements or other contracts with
17 the executive office of health and human services shall be distributed to the university. The secretary may
18 negotiate contingency fees for activities and services related to the purpose of pursuing federal
19 reimbursement or avoiding costs, and the comptroller shall be directed to certify these fees and pay them
20 upon the receipt of this revenue, reimbursement or demonstration of costs avoided. The secretary shall not
21 pay contingency fees in excess of \$40,000,000 for state fiscal year 2007. The secretary of health and human
22 services shall submit to the secretary of administration and finance and the senate and house committees on
23 ways and means a quarterly report detailing the amounts of the agreements, the ongoing and new projects
24 undertaken by the university, the amounts spent on personnel and the amount of federal reimbursement and
25 recoupment payments that the university collected.

Dedham-Westwood Water District Retirement System

1
2 SECTION 88. Notwithstanding any general or special law to the contrary, the Dedham-Westwood
3 Water District, upon a vote of the district board, may accept the applicable provisions of chapter 32 of the
4 General Laws and thereby cause all eligible employees of the district to become members of the Norfolk
5 County Retirement System.

Collaborative Drug Purchasing for Sheriffs

1 SECTION 89. Notwithstanding any general or special law to the contrary, the state office of
2 pharmacy services at the department of public health, in this section called SOPS, shall conduct a cost-
3 benefit analysis comparing the cost of each county and state sheriff's current pharmacy services
4 arrangements with the cost of comparable services provided by SOPS. Each county and state sheriff shall
5 provide all data and information requested by SOPS no later than August 15, 2006 for the purpose of
6 conducting the cost-benefit analysis. County and state sheriffs, through the executive office of public
7 safety, shall request a proposal from SOPS when engaging in negotiations, renegotiations, or bids for
8 pharmacy services. County and state sheriffs, through the executive office of public safety, shall enter into
9 interagency service agreements with SOPS for the provision of pharmacy services when the SOPS proposal

10 is more cost-effective than other providers and when SOPS determines that it would be able to provide
11 appropriate services.

Lottery Uncapping

1 SECTION 90. Notwithstanding any general or special law to the contrary, for fiscal years 2007 and
2 thereafter, the total amount of lottery proceeds allocated for distribution to cities and towns shall be
3 determined under section 35 of chapter 10 of the General Laws.

Urban Parks: Walpole Athletic Fields

1
2 SECTION 91. Notwithstanding any general or special law to the contrary, the Massachusetts Water
3 Resources Authority may enter into a license agreement with the town of Walpole, upon terms that are
4 satisfactory to the Authority, permitting the town to use a portion of a 94-acre parcel owned by the
5 Authority located off of Winter Street in the town as playing fields for youth sports and recreation
6 activities.

7
8 The use of the parcel by the town for these purposes shall not be considered a change in the present
9 use of the parcel and shall not cause title to the parcel to revert to the commonwealth. Any subsequent
10 discontinuance of this use, if the authority's license to the town expires, is revoked, or otherwise
11 terminates, shall not be considered a change in the use of the parcel, nor shall this discontinuance of use
12 cause title to the parcel to revert to the commonwealth.

13
14 Any license agreement between the authority and the town shall provide that the use of the parcel
15 by the town may be immediately revoked at any time and for any reason by the Authority including, in
16 particular, if the parcel must be used for the purposes intended and reserved for it under applicable Orders
17 of the United States District Court in the pending case of U.S.A. v. MDC, et al., C.A. No. 85-0489-MA.
18 No structures, improvements, or alterations of any description shall be built or placed upon the parcel. All
19 equipment and fixtures necessary or useful to the conduct of youth sports or recreational activities upon the
20 parcel shall be portable and easily removable.

21
22 Upon any expiration, revocation or other termination of any license agreement, the authority may, if
23 necessary, use the parcel for the purposes originally intended in chapter 41 of the acts of 1991 without
24 further legislation.

25
26 This section shall be of no further force or effect if the authority ceases to hold title to the parcel.

Higher Education Procurement Reform

1
2 SECTION 92. Notwithstanding any general or special law to the contrary, the board of higher
3 education shall work with the operational services division to implement an equipment maintenance pilot
4 program in the state colleges to create savings in state warranty agreements, including but not limited to,
5 warranty agreements on information technology, printers, facsimile machines, copiers, telecommunication
equipment, mail machines and other hardware.

DCR Ice Rinks

1 SECTION 93. (a) Notwithstanding sections 40E to 40K and 52 to 55, inclusive, of chapter 7 of the
2 General Laws, and using those competitive proposal processes as the division of capital asset management
3 and maintenance considers necessary or appropriate, the division, in consultation with the department of
4 conservation and recreation, may lease and enter into other agreements, for terms not to exceed 25 years, to
5 1 or more proponents, for 1 or more skating rinks, so as to provide for the continued use, operation,

6 maintenance, repair and improvement of the following state-owned buildings and facilities, together with
7 the land and appurtenances associated therewith, comprising those ice skating rinks and facilities formerly
8 under the jurisdiction of the metropolitan district commission: Bajko memorial rink, Hyde Park district,
9 Boston; Connell memorial rink, Weymouth; Flynn memorial rink, Medford; LoConte memorial rink,
10 Medford; Reilly memorial rink, Brighton district, Boston; Shea memorial rink, Quincy; Steriti memorial
11 rink, Boston; Veterans Memorial Rink, Somerville; and, Ulin memorial rink, Milton.

12
13 (b) The failure of any city or town to apply for pre-qualification, as set forth below, shall not
14 prohibit that city or town from bidding under this section.

15
16 (c) Before the division, in consultation with the department, sends out any request for proposals
17 under this section, the division shall hold open a pre-qualification period of 45 days for cities and towns
18 that desire to bid on rinks that are listed in this section and are located within the city or town, or for a
19 partnership of municipalities which share geographic boundaries as long the subject rink or rinks are
20 located within the geographic area of the municipalities comprising the partnership. A city, town or
21 partnership of municipalities that desires to lease a rink under this section may submit materials for
22 prequalification. The pre-qualification determination may consider, but need not be limited to consideration
23 of, the city's, town's or partnership's ability to finance the capital improvements determined to be necessary
24 at each rink listed in this section by the division and to manage, operate and maintain the properties.
25 Preference shall be given to the city or town in which the rink is located. The division, in consultation with
26 the department, shall determine whether a city, town or partnership is pre-qualified within 15 days of the
27 end of the prequalification period. If a city, town or partnership is determined to be pre-qualified, that city,
28 town or partnership shall be awarded the lease for that rink under the terms and conditions set forth in this
29 section. If a city, town or partnership is determined to be pre-qualified, the city, town or partnership shall
30 pay consideration for a lease subject to the required capital improvements, performance specifications, and
31 other prequalification requirements and terms of the division and submitted proposal. The length of the
32 lease shall be determined between the division and the city, town or partnership.

33
34 (d) Such leases and other agreements shall be on terms acceptable to the commissioner of the
35 division, after consultation with the commissioner of department of conservation and recreation and,
36 notwithstanding the provisions of any general or special law to the contrary, shall provide for the lessees to
37 operate, manage, improve, repair and maintain the properties and may provide for the department to make
38 initial capital improvements or direct grant funds to the lessee to undertake initial capital improvements at 1
39 or more of the properties that the commissioner of the department determines is necessary due to the
40 structural condition of any of the properties. Leases or other arrangements requiring improvements to be
41 made to any property may include a description of the initially required improvements and performance
42 specifications. Ice time at rinks under the jurisdiction of the division of urban parks and recreation shall be
43 allocated to user groups in the following priority order: general public skating; youth groups; high school
44 hockey; and adult organizations or informal groups. Ice time may be allocated at the discretion of the
45 operator, but general public skating shall be booked at a minimum of 16 hours per week, with a range of
46 times and days which reasonably allow for public skaters of all ages to participate in some public skating
47 sessions. Every effort shall be made to balance the ice allocation needs of long-established youth
48 organizations and newly-formed youth organizations in a manner that provides equal opportunity and equal
49 access for youths of each gender. The leases and other agreements authorized in this section shall provide
50 that any benefits to the communities and the costs of improvements and repairs made to the properties
51 provided by the lessees or the recipients of the properties shall be taken into account as part of the
52 consideration for such leases or other agreements. Consideration received from the leases or other
53 agreements shall be payable to the department of conservation and recreation for deposit into the Division
54 of Urban Parks Trust Fund in accordance with section 34 of chapter 92 of the General Laws. The lessees or
55 the recipients of the properties shall bear the costs considered necessary or appropriate by the commissioner
56 of the department of conservation and recreation for the transactions, including, without limitation, all costs
57 for legal work, survey, title and the preparation of plans and specifications.

58
59 (e) The names of the ice skating rinks and facilities referenced in this section shall not be altered or
60 changed under the leases or agreements.

Pension Line Item Language

1 SECTION 94. The amounts transferred pursuant to paragraph (1) of section 22C of chapter 32 of
2 the General Laws shall be made available for the commonwealth's Pension Liability Fund established
3 under section 22 of chapter 32 of the General Laws. The amounts transferred pursuant to said paragraph
4 (1) of said section 22C of said chapter 32 shall meet the commonwealth's obligations under said section
5 22C of said chapter 32, including retirement benefits payable by the state employees' and the state
6 teachers' retirement systems, for the costs associated with a 3 per cent cost-of-living adjustment pursuant to
7 section 102 of said chapter 32, the reimbursement of local retirement systems for previously authorized
8 cost-of-living adjustments pursuant to section 102 of said chapter 32, and for the costs of increased survivor
9 benefits pursuant to chapter 389 of the acts of 1984. The state retirement board and each city, town, county
10 and district shall verify the cost thereof, subject to the rules adopted by the treasurer. The treasurer may
11 make payments upon a transfer of funds to reimburse certain cities and towns for pensions to retired
12 teachers, including any other obligations which the commonwealth has assumed on behalf of any
13 retirement system other than the state employees' or state teachers' retirement systems and also including
14 the commonwealth's share of the amounts to be transferred pursuant to section 22B of said chapter 32 and
15 the amounts to be transferred pursuant to clause (a) of the last paragraph of section 21 of chapter 138 of the
16 General Laws. All payments for the purposes described in this section shall be made only pursuant to
17 distribution of monies from the fund, and any distribution and the payments for which distributions are
18 required shall be detailed in a written report filed quarterly by the commissioner of administration with the
19 house and senate committees on ways and means and the joint committee on public service in advance of
20 such distribution. Such distributions shall not be made in advance of the date on which a payment is
21 actually to be made. The state retirement board may expend an amount for the purposes of the higher
22 education coordinating council's optional retirement program pursuant to section 40 of chapter 15A of the
23 General Laws. To the extent that the amount transferred pursuant to said paragraph (1) of said section 22C
24 of said chapter 32 exceeds the amount necessary to adequately fund the annual pension obligations, the
25 excess amount shall be credited to the Pension Reserves Investment Trust Fund of the commonwealth for
26 the purpose of reducing the unfunded pension liability of the commonwealth.

DOE and DSS Reporting

1 SECTION 95. The department of education, in consultation with the department of social services,
2 shall develop a consistent reporting method for determining the numbers of foster children and wards of the
3 state educated in each public school district and the number of days each child is enrolled in the district.
4 The reporting method shall be developed for use within the foundation budget calculation, as defined in
5 section 2 of chapter 70 of the General Laws, or for use in developing a reimbursement program pursuant to
6 section 7 of chapter 76 of the General Laws to reflect the cost of educating these students. In developing
7 the reporting method, the department of education, the department of social services and public school
8 districts shall keep the names and addresses of foster children and wards of the state enrolled in a school
9 system and the designation of the students as foster students or wards of the state confidential and shall not
10 disclose such information except for the purposes set forth in this section.

Ponkapoag Golf Course Leasing

1 SECTION 96. (a) The division of capital asset management and maintenance, in consultation with
2 the department of conservation and recreation, may, notwithstanding the provisions of sections 40E to 40K
3 and 52 to 55, inclusive, of chapter 7 of the General Laws, and using those competitive proposal processes
4 as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to
5 exceed 25 years, to 1 or more proponents, to provide for the continued use, operation, maintenance, repair
6 and improvement of all or a portion of the golf courses, practice greens, driving ranges, restaurant or any
7 other structure and associated lands that comprise the facilities of the Ponkapoag golf course of the
8 department. The division shall hold open a pre-qualification period of at least 120 days for the town of
9 Canton.

10
11 (b) The division of capital asset management and maintenance shall, if no lease agreement is
12 reached with the municipality in which the golf course is located, solicit proposals through a request for
13 proposals which shall include key contractual terms and conditions to be incorporated into the contract,
14 including, but not limited to: (1) a comprehensive list of all courses operated by the responsive bidder or
15 offeror in the last 4 years, (2) a commitment to honor terms of current membership agreements, (3) plans to
16 implement a residential discount program, (4) reservation policies and reasonable rates, (5) the rating the
17 course will attain, (6) holiday recognition, (7) required financial audits, (8) grievance process, (9)
18 clubhouse license, (10) retain public access and (11) hours of operation.
19

20 (c) Notwithstanding any other provisions of this section, it shall be a mandatory term of requests for
21 proposals issued by the commissioner and contracts entered into by the commonwealth regarding the
22 subject matter of this section that a party which has entered into a contract under this section with the
23 commonwealth shall require, in order to maintain stable and productive labor relations, to avoid
24 interruption of the operation of the golf courses and to preserve the safety and environmental conditions of
25 the golf courses, that all employees then working on the operation and maintenance of the golf courses be
26 offered employment by the party entering into a contract under this section. Upon the execution of any
27 agreements authorized by this section, the department of conservation and recreation shall attempt to
28 reassign or relocate those employees who do not accept employment with the lessor to comparable
29 positions within the department, subject to applicable collective bargaining agreements.
30

31 (d) Any general or special law, rule or regulation relating to the advertising, bidding or award of
32 contracts, the procurement of services or the construction and design of improvements shall not be
33 applicable to any selected offeror which is awarded a contract under this section, except as provided in this
34 section.

Education Reform Minimum Contribution Waiver

1
2 SECTION 97. (a) Upon the request of: the board of selectmen of a town; the city council of a plan
3 E city; or the mayor of any other city, the department of revenue may recalculate the minimum required
4 local contribution, as defined in section 2 of chapter 70 of the General Laws, in the fiscal year ending June
5 30, 2007. Based on the criteria in this section, the department shall recalculate the minimum required local
6 contribution for a municipality's local and regional schools and shall certify the amounts calculated to the
7 department of education.
8

9 (b) A city or town that: uses qualifying revenue amounts in a fiscal year which will not be available
10 for use in the next fiscal year; will be required to use revenues for extraordinary non-school-related
11 expenses for which it did not have to use revenues in the preceding fiscal year; or has an excessive certified
12 municipal revenue growth factor which is also greater than or equal to 1.5 times the state average municipal
13 revenue growth factor may appeal to the department of revenue not later than October 1, 2006, for an
14 adjustment of its minimum required local contribution and net school spending.
15

16 (c) If a claim is determined to be valid, the department of revenue may reduce proportionately the
17 minimum required local contribution amount based on the amount of shortfall in revenue or based on the
18 amount of increase in extraordinary expenditures in the current fiscal year. No adjustment to the minimum
19 required local contribution on account of an extraordinary expense in the budget for the fiscal year ending
20 on June 30, 2007, shall affect the calculation of the minimum required local contribution in subsequent
21 fiscal years. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of free
22 cash, overlay surplus and other available funds.
23

24 (d) If, upon submission of adequate documentation, the department of revenue determines that a
25 municipality's claim regarding an excessive municipal revenue growth factor is valid, the department shall
26 recalculate the municipal revenue growth factor and the department of education shall use the revised
27 growth factor to calculate the preliminary local contribution, the minimum required local contribution and

any other factor that directly or indirectly uses the municipal revenue growth factor. Any relief granted as a result of an excessive municipal revenue growth factor shall be a permanent reduction in the minimum required local contribution.

(e) The board of selectmen of a town, the city council of a plan E city, the mayor of any other city, or a majority of the member municipalities of a regional school district, which used qualifying revenue amounts in a fiscal year that will not be available for use in the next fiscal year may appeal to the department of revenue not later than October 1, 2006, for an adjustment to its net school spending requirement. If the claim is determined to be valid, the department of revenue shall reduce the net school spending requirement based on the amount of the shortfall in revenue and reduce the minimum required local contribution of member municipalities accordingly. Qualifying revenue amounts shall include, but not be limited to, extraordinary amounts of excess and deficiency, surplus and uncommitted reserves.

(f) If the regional school budget has already been adopted by two-thirds of the member municipalities, then, upon a majority vote of the member municipalities, the regional school committee shall adjust the assessments of the member municipalities in accordance with the reduction in minimum required local contributions approved by the department of revenue or the department of education in accordance with this section.

(g) Notwithstanding clause (14) of section 3 of chapter 214 of the General Laws or any other general or special law to the contrary, the amounts determined under this section shall be the minimum required local contribution described in chapter 70 of the General Laws. The department of revenue and the department of education shall notify the house and senate committees on ways and means and the joint committee on education of the amount of any reduction in the minimum required local contribution amount.

(h) If a city or town has an approved budget that exceeds the recalculated minimum required local contribution and net school spending amounts for its local school system or its recalculated minimum required local contribution to its regional school districts as provided by this section, the local appropriating authority shall determine the extent to which the community shall avail itself of relief authorized under this section.

(i) The amount of financial assistance due from the commonwealth in fiscal year 2007 under chapter 70 of the General Laws or any other law shall not be changed on account of any redetermination of the minimum required local contribution under this section.

(j) The department of revenue and the department of education shall issue guidelines for their respective duties under this section.

Uncompensated Care Pool Audit Authorization

SECTION 98. In hospital fiscal year 2007, the office of the inspector general may continue to expend funds appropriated in chapter 240 of the acts of 2004 from the Uncompensated Care Trust Fund for the costs associated with maintaining a pool audit unit within that office. The unit shall continue to oversee and examine the practices in all Massachusetts' hospitals including, but not limited to, the care of the uninsured and the resulting free care charges. The inspector general shall submit a report to the house and senate committees on ways and means on the results of the audits and any other completed analyses not later than March 1, 2007. For the purposes of the audits, allowable free care services shall be as provided in chapter 118G of the General Laws and any applicable regulations.

Designation of Avon as an Economic Target Area

SECTION 99. The town of Avon is hereby designated an economic target area and economic opportunity area as defined in section 3D and section 3E of chapter 23A of the General Laws.

3 Notwithstanding section 3A of said chapter 23A, this designation shall not require the consent of the
4 economic assistance coordinating council. Development projects within this area shall be eligible for tax
5 deductions, credits and abatements, and other economic incentives provided in said chapter 23A. This
6 designation shall be in addition to the 20 economic target areas that are authorized to be established
7 throughout the Commonwealth under clause (5) of section 3E of said chapter 23A.

MassHealth Provider Payment Account II

1 SECTION 100. The comptroller shall, in consultation with the office of the state treasurer, the
2 executive office for administration and finance, and the executive office of health and human services,
3 develop a schedule and make a series of transfers not to exceed \$251,000,000 from the General Fund to the
4 MassHealth provider payment account in the Medical Assistance Trust Fund.

Regional Transit Authority Financing and Service Fund Effective Date

1 SECTION 101. Sections 7, 9, 10, 11, 39, 40, 41, 64, 65, and 66 shall take effect on July 1, 2007.

Repeal of Children's and Seniors' Health Care Assistance Fund Effective Date

1 SECTION 102. Section 14 shall take effect on June 30, 2006.

Commuter Tax Deduction Effective Date

1 SECTION 103. Section 20 shall take effect as of January 1, 2006.

Effective Date

SECTION 104. Except as otherwise specified, this act shall take effect on July 1, 2006.